

Digitized by the Internet Archive
in 2011 with funding from
CARLI: Consortium of Academic and Research Libraries in Illinois

http://www.archive.org/details/illinoisreg23351999illi

348.02
IL Ig
.23
.35
.2

ILLINOIS DOCUMENTS
AUG 27 1999
ILLINOIS STATE LIBRARY

1999

Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 35 — August 27, 1999

Pages 9,987 – 10,604

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
http://www.sos.state.il.us

Printed on recycled paper

published by
Jesse White
Secretary of State

TABLE OF CONTENTS

August 27, 1999 Volume 23, Issue 35

PROPOSED RULES

HUMAN SERVICES, DEPARTMENT OF
Determination Of Need (DON) And Resulting Service Cost Maximums (SCMs)
89 Ill. Adm. Code 679 9987
Temporary Assistance For Needy Families
89 Ill. Adm. Code 112 9989

NATURAL RESOURCES, DEPARTMENT OF
Department Inspections
62 Ill. Adm. Code 1840 9991
General Definitions
62 Ill. Adm. Code 1701 9998
Permanent Program Performance Standards-- Underground Mining Operations
62 Ill. Adm. Code 1817 10027
Permanent Program Performance Standards-Surface Mining Activities
62 Ill. Adm. Code 1816 10056
Special Program Performance Standards--Operations On Prime Farmland
62 Ill. Adm. Code 1823 10078
Surface Mining Permit Application--Minimum Requirements For Reclamation And Operation Plan
62 Ill. Adm. Code 1780 10082
Underground Mining Permit Application Minimum Requirements For Reclamation And Operation Plan
62 Ill. Adm. Code 1784 10088

PROFESSIONAL REGULATION, DEPARTMENT OF
Pharmacy Practice Act Of 1987
68 Ill. Adm. Code 1330 10103

PUBLIC HEALTH, DEPARTMENT OF
Asbestos Abatement For Public And Private Schools And Commercial And Public Buildings In Illinois
77 Ill. Adm. Code 855 10108
Illinois Water Well Construction Code
77 Ill. Adm. Code 920 10115

ADOPTED RULES

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS
Public Information, Rulemaking And Organization
2 Ill. Adm. Code 5200 10142

HUMAN SERVICES, DEPARTMENT OF
Admission Procedures
89 Ill. Adm. Code 755 10146

Aid To The Aged, Blind Or Disabled
89 Ill. Adm. Code 113 10161
Definition Of Terms
89 Ill. Adm. Code 825, Repeal 10171
Definition Of Terms
89 Ill. Adm. Code 751 10173
Evaluation And Coordination Of Special Education
89 Ill. Adm. Code 820, Repeal 10178
Home And Hospital Programs
89 Ill. Adm. Code 785, Repeal 10180
Identification, Evaluation, And Placement Of Students
89 Ill. Adm. Code 795 10182
Impartial Due Process Hearing
89 Ill. Adm. Code 800, Repeal 10196
Impartial Due Process Hearing
89 Ill. Adm. Code 828 10198
Medicaid Community Mental Health Services Program
59 Ill. Adm. Code 132 10205
Minimum Standards For Certification Of Developmental Training Programs
59 Ill. Adm. Code 119 10211
Non-Academic Programs And Policies
89 Ill. Adm. Code 830 10220
Responsibility For Special Education
89 Ill. Adm. Code 760, Repeal 10238
Role Of Residential Educational Facilities Operated By The Illinois Department Of Human Services
89 Ill. Adm. Code 750 10240
Rules Of Conduct, Discipline, Suspension and Discharge Procedures
89 Ill. Adm. Code 827 10249
Sex Equity
89 Ill. Adm. Code 829 10281
Special Education Instructional Program
89 Ill. Adm. Code 770, Repeal 10293
Special Education Personnel
89 Ill. Adm. Code 810, Repeal 10295
Special Education Program and Services
89 Ill. Adm. Code 765 10297
Special Education Related Services
89 Ill. Adm. Code 775, Repeal 10312
Special Transportation
89 Ill. Adm. Code 815 10314
State-Operated Or Private Programs
89 Ill. Adm. Code 790, Repeal 10318
Surrogate Parents
89 Ill. Adm. Code 805, Repeal 10319
Therkelsen/Hansen College Loan Fund
89 Ill. Adm. Code 835 10321
Treatment And Habilitation Services
59 Ill. Adm. Code 112 10327
Vocational Programs
89 Ill. Adm. Code 780, Repeal 10346

POLLUTION CONTROL BOARD
Primary Drinking Water Standards
35 Ill. Adm. Code 611 10348

EMERGENCY RULES

HUMAN SERVICES, DEPARTMENT OF
Determination Of Need (DON) And Resulting Service Cost Maximums (SCMs)
89 Ill. Adm. Code 679 10526
Temporary Assistance For Needy Families
89 Ill. Adm. Code 112 10530

NOTICE OF PUBLIC INFORMATION

BANKS AND REAL ESTATE, OFFICE OF
Notice Of Revocation Under The Residential Mortgage License Act Of 1987 10547

REVENUE, DEPARTMENT OF
Index Of Letter Rulings (Second Quarter-1999)(ROT) 10548

Index Of Letter Rulings (Second Quarter-1999)(Sales Tax) 10557

REGULATORY AGENDA

PROFESSIONAL REGULATION, DEPARTMENT OF
Illinois Athletic Trainers Practice Act
68 Ill. Adm. Code 1160 10577

PUBLIC AID, DEPARTMENT OF
Practice In Administrative Hearings
89 Ill. Adm. Code 104 10589

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 10599

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

99-332 Early Edition Days 10600
99-333 Cedarville Days 10600
99-334 The Chicago Defender Charities' Bud Billiken Day 10600
99-335 Galena Post Office Day 10601
99-336 Chase Cooperate Challenge Day 10601
99-337 Aces Commended 10601
99-338 Child Support Awareness Month 10602

99-339 American Craft Exposition Days 10602
99-340 Dennis J. Gannon Day 10603
99-341 Dr. Harry Braun Day 10603

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	16, 1999 - Issue 16:	Through	March	31, 1999
July	16, 1999 - Issue 29:	Through	June	30, 1999
October	15, 1999 - Issue 42:	Through	September	30, 1999
January	21, 2000 - Issue 3:	Through	December	31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.
** Tuesday following a state holiday.
*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

Printed by authority of the State of Illinois
August 1999 – 650 – GA-309

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers:	Proposed Action:
679.50	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: The purpose of this amendment is to increase the Service Cost Maximums of the Home Services Program. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by the Governor. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of Service to the customers of the Home Services Program may be small businesses and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments appearing in this issue of the *Illinois Register* on page ~~1052~~ 8 .

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:
112.82 Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A Complete Description of the Subjects and Issues Involved: Many clients participating in Work and Training activities need the same services that employed clients receive. These proposed amendments update the limits of supportive services allowed for employment expenses and for Work and Training expenses. As a result of these proposed amendments, supportive service allowances previously limited to employed clients may be issued to a client(s) in approved Work and Training activities.

6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.78	Amendment	23 Ill. Reg. 5637

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217)785-9772

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

e full text of the Proposed Amendment is identical to the text of the ergency Amendments which appears in this issue of the *Register* on page 10532.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Department Inspections

2) Code Citation: 62 Ill. Adm. Code 1840

3)

Section Number:	Proposed Action:
1840.11	Amend
1840.14	Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: Section 1840.11 has been modified to make the State regulation consistent with its federal counterpart.

In Section 1840.14 a statute reference has been updated.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1840
DEPARTMENT INSPECTIONS

Section
1840.1 Scope
1840.2 Monitoring and Reporting
1840.11 Inspections by the Department
1840.12 Right of Entry
1840.14 Availability of Records
1840.15 Citizens' Requests for State Inspections
1840.16 Review of Adequacy and Completeness of Inspections
1840.17 Review of Decision Not to Inspect or Enforce

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 12288; amended at 11 Ill. Reg. 8036, effective July 1, 1987; amended at 20 Ill. Reg. 1949, effective January 19, 1996; amended at 22 Ill. Reg. 20163, effective November 5, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1840.11 Inspections by the Department

a) The Department shall conduct an average of at least one partial inspection per month of each active surface coal mining and reclamation operation under its jurisdiction and shall conduct partial inspections of each inactive surface coal mining and reclamation operation under its jurisdiction to ensure enforcement of the approved State program. A partial inspection is an on-site or aerial review of a person's compliance with any of the permit conditions and requirements imposed under the Federal Act, State Act and 62 Ill. Adm. Code 1700 through 1850. The inspector shall collect evidence of any violation of the Federal Act, the State Act or 62 Ill. Adm. Code 1700 through 1850 observed.

b) The Department shall conduct an average of at least one complete inspection per calendar quarter of each active or inactive surface coal mining and reclamation operation under its jurisdiction. A complete inspection is an on-site review of a person's compliance with all permit conditions and requirements imposed under the Federal Act, the State Act and 62 Ill. Adm. Code 1700 through 1850 within the entire area disturbed, impacted or affected by surface coal mining and reclamation operations. The inspector shall collect evidence of any violation of the Federal Act, State Act or 62 Ill. Adm. Code 1700 through 1850 observed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

c) The Department shall conduct periodic inspections of all coal exploration operations required to comply with the Federal Act, the State Act, and 62 Ill. Adm. Code 1700 through 1850. The inspector shall collect evidence of any violation of the Federal Act, State Act, or 62 Ill. Adm. Code 1700 through 1850 observed.

d) Aerial inspections.
   1) Aerial inspections shall be conducted in a manner which reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.
   2) Any potential violation observed during an aerial inspection shall be investigated on site within three days; provided, that any indication of a condition, practice or violation constituting cause for the issuance of a cessation order under 62 Ill. Adm. Code 1843.11 shall be investigated on site immediately. An on-site investigation of a potential violation observed during an aerial inspection shall not be considered to be an additional partial or complete inspection for the purposes of subsections (a) and (b) of this Section.

e) The inspections required under subsections (a), (b), (c) and (d) of this Section shall:
   1) Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;
   2) Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary on-site meetings; and
   3) Include the prompt filing of inspection reports adequate to enforce the requirements of the Federal Act, State Act, and 62 Ill. Adm. Code 1700 through 1850.

f) For the purposes of Section 1840.11, an inactive surface coal mining and reclamation operation is one for which:
   1) The Department has secured from the permittee the written notice provided for under 62 Ill. Adm. Code 1816.131(b) or 1817.131(b); or
   2) Reclamation Phase II as defined at 62 Ill. Adm. Code 1800.40 has been completed and the liability of the permittee has been reduced by the Department in accordance with the State program or the Department has determined that the reclamation required for Phase II bond release has been completed.

g) Abandoned site means a surface coal mining and reclamation operation for which the Department has found in writing that:
   1) All surface and underground coal mining and reclamation activities at the site have ceased;
   2) The Department has issued at least one notice of violation or the initial program equivalent, and either:
      A) Is unable to serve the notice despite diligent efforts to do so; or

B) The notice was served and has progressed to a failure-to-abate cessation order or the initial program equivalent;

3) The Department:

A) Is taking action to ensure that the permittee and operator, and owners and controllers of the permittee and operator, will be precluded from receiving future permits while violations continue at the site; and

B) Is taking action pursuant to Section 8.04(e), 8.04(f), 8.06(d) or 8.08 of the State Act [25 ILCS 720/8.04(e), 8.04(f), 8.06(d), 8.08] to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where after evaluating the circumstances it concludes that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs; and

4) Where the site is, or was, permitted and bonded:

A) The permit has either expired or been revoked; and

B) The Department has initiated and is diligently pursuing forfeiture of, or has forfeited, any available performance bond.

h) In lieu of the inspection frequency established in subsections (a) and (b) of this Section, the Department shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one complete inspection per calendar year.

1) In selecting an alternate inspection frequency authorized under this subsection, the Department shall first conduct a complete inspection of the abandoned site and provide public notice and the opportunity to comment under subsection (h)(2) below. Following the inspection and public notice, the Department shall prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. This written finding shall justify the new inspection frequency by affirmatively addressing in detail all of the following criteria:

A) How the site meets each of the criteria under the definition of an abandoned site under subsection (g) above and thereby qualifies for a reduction in inspection frequency;

B) Whether, and to what extent, there exists on the site impoundments, earthen structures or other conditions that pose, or may reasonably be expected to ripen into, imminent dangers to the health or safety of the public or significant environmental harm to land, air or water resources;

C) The extent to which existing impoundments or earthen structures were constructed and certified in accordance with prudent engineering designs approved in the permit;

D) The degree to which erosion and sediment control is present and functioning;

E) The extent to which the site is located near or above urbanized areas, communities, occupied dwellings, schools and other public or commercial buildings and facilities;

F) The extent of reclamation completed prior to abandonment and the degree of stability of unreclaimed areas, taking into consideration the physical characteristics of the land mined and the extent of settlement or revegetation that has occurred naturally with them; and

G) Based on a review of the complete and partial inspection report record for the site during at least the last two consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.

2) The public notice and opportunity to comment required under subsection (h)(1) above shall be provided as follows:

A) The Department shall place a notice in a local newspaper of general circulation in the locality of the abandoned site providing the public with a 30-day period in which to submit written comments.

B) The public notice shall contain the permittee's name, the permit number, the precise location of the land affected, the inspection frequency proposed, the general reasons for reducing the inspection frequency, the bond status of the permit, the telephone number and address of the Department where written comments on the reduced inspection frequency may be submitted and the closing date of the comment period.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1840.14 Availability of Records

a) The Department shall make available to the Office of Surface Mining Reclamation and Enforcement (OSMRE), upon request, copies of all documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or surface coal mining and reclamation operation permits and all documents relating to inspection and enforcement actions.

b) Copies of all records, reports, inspection materials, or information obtained by the Department shall be made immediately available to the public in the area of mining until at least five ~~(5)~~ years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except:

1) As otherwise provided by the Freedom of Information Act [5 ILCS 140] ~~(Ill. Rev. Stat. 1985, ch. 116, pars. 201 et seq.)~~; and

2) For information not required to be made available under 62 Ill.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 1772.15 and 1773.13(d) ~~or subsection (d)~~.

c) The Department shall ensure compliance with subsection (b) by either:
   1) Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State or local government office in the county where the mining is occurring or proposed to occur; or~~,~~
   2) At the Department's option and expense, if the document is ten ~~(10)~~ pages or less in length, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or proposed to occur; however, the Department shall maintain for public inspection, at a Federal, State or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

d) In order to protect preparation for hearings and enforcement proceedings, the Department may enter into agreements with the Director of the OSMRE regarding procedures for the special handling of investigative and enforcement reports and other such materials, which may limit or refuse availability of investigatory records compiled for law enforcement purposes.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Definitions

2) Code Citation: 62 Ill. Adm. Code 1701

3) Section Number: 1701.Appendix A — Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved:

The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of this amendment is to bring Illinois' program in line with and make it as effective as counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1701
GENERAL DEFINITIONS

Section
1701.5 Definitions
APPENDIX A Definitions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991; amended at 15 Ill. Reg. 17141, effective January 1, 1992; amended at 17 Ill. Reg. 10947, effective July 1, 1993; amended at 20 Ill. Reg. 1962, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 22 Ill. Reg. 20169, effective November 5, 1998; amended at 23 Ill. Reg. _____, effective _____.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code 1700 through 1850, the following terms have the specified meanings, except when another meaning is given:

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid - forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87~~.~~ (30 USC ~~U.S.C.~~ 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Applicant Violator System" or "AVS" means the computer system maintained by OSM to identify ownership or control links involving permit applicants, permittees, and persons cited in violation notices.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, and spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. (Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(2)])~~.~~

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an Article ~~article~~ of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will~~:~~

prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by 62 Ill. Adm. Code 1816.42; and

minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-84 found at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards published by the American Society for Testing and Materials, 1916 Race St., Philadelphia PA 19103.

"Coal exploration" means the field gathering of:

surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 through 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

the proposed operation;

all existing operations;

any operation for which a permit application has been submitted to the Department.

"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Natural Resources, Office of Mines and Minerals, or its successor.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department of Natural Resources.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversion" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highwall and a valley floor.

"Drinking, domestic or residential water supply" means water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included except to the extent the water supply is for direct human consumption, human sanitation, or domestic use.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means:

any person employed by the Department who performs any function or duty under the Act; and

advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Ephemeral stream" means a stream which meets both of the following requirements:

It flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and

It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

"Federal violation notice" means a violation notice issued by OSM or by another agency or instrumentality of the United States.

"Final cut" means the last pit created in a surface-mined area.

"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act [225 ILCS 720/7.01] and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind

erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than 20 degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

"High capability land" means land not meeting the definition of prime farmland or land exempted in accordance with 62 Ill. Adm. Code 1785.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on U.S. Department of Agriculture, ~~United States~~ Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five percent or less), as set forth in Land-Capability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and

The optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open

cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

Lands that have been used for cropland for any five years or more out of the ten years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five-years-in-ten criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five out of the last ten years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means, for purposes of implementing 62 Ill. Adm. Code 1762 and 1764, important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and paleontological sites, National Historic Landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" *means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.* [Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(7)]~~.~~

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor children, or other resident relatives hold a financial interest.

"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

A stream or reach of a stream that drains a watershed of at least one ~~(1)~~ square mile; or

A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment in violation of the State Act or 62 Ill. Adm. Code, Chapter I ~~these regulations~~ that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premining capabilities based on the United States Department of Agriculture, Soil Conservation Service classification system as found in Agriculture Handbook No. 210, Land-Capability Classification, (~~published in~~ 1973) as interpreted from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land eligible for remining" means those lands that would otherwise be eligible for expenditures under Section 402(g)(4) or Section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 USC ~~U.S.C.~~ 1232(g)(4), 1234).

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Allowable support facilities include access roads, farm buildings, hedgerows, erosion control structures such as grassed waterways, terraces and sediment ponds, and other incidental facilities related to cropland management, except that no facility, other than erosion control structures, may be located on prime farmland.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed. Allowable support facilities include access roads, farm

buildings, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, water impoundments used for stock watering, and other incidental facilities related to pasture management.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products. Allowable support facilities include water impoundments, access and fire control lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound multiple use management of the forest resource.

"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses. Allowable support facilities include water impoundments, access roads, and other incidental facilities related to the recreational development of the area.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Allowable support facilities include water impoundments, access lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound fish and wildlife management practices.

"Developed water resources" includes land used for storing water

for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply. Where appropriate, developed water resources are considered a joint or seasonal use with cropland, pastureland, forestry, recreation and fish and wildlife habitat.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession. A post-mining designation of undeveloped land shall not be allowed for any land which is proposed to be affected by the mining operation.

"Material damage" in the context of 62 Ill. Adm. Code and 62 Ill. Adm. Code 1817.121 means:

Any functional impairment of surface lands, features, structures or facilities;

Any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or

Any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

"Mining operations or surface coal mining operations" means both surface mining operations and underground mining operations. [Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(11)].]

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at ~~one-hundred-and-five-degrees~~ (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of

people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law [505 ILCS 100]; any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law [505 ILCS 110]; or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act [415 ILCS 60].

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation.

"Office" means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than 250 tons of coal from the earth or from coal refuse piles by mining within 12 consecutive calendar months in any one location.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Ownership or control link" means any relationship included in the definition of owned or controlled or owns or controls at 62 Ill. Adm. Code 1773.5(a) and (b) or in the violations review provisions of 62 Ill. Adm. Code 1773.15(b). It includes any relationship presumed to constitute ownership or control under the definition of "owned or controlled" or "owns or controls" unless such presumption has been successfully rebutted under the provisions of 62 Ill. Adm. Code 1773.24 and 1773.25.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill.

Adm. Code, Chapter I ~~1700 through 1850~~, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in this Part ~~these regulations~~ as the shadow area.

"Permit term" *means the period during which the permittee may engage in mining and reclamation operations under the permit.* [Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(18)]].

"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

publicly-owned utility or publicly-owned corporation of Federal, State or local government.

"Person having an interest which is or may be adversely affected" or "Person with a valid legal interest" shall include any person:

Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department; or

Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August 3, 1977 that has not been reclaimed to the standards of 62 Ill. Adm. Code, Chapter I ~~1700 to 1850~~.

"Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

"Public road" means a road:

which has been designated as a public road pursuant to the law of the jurisdiction in which it is located;

which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction;

for which there is substantial (more than incidental) public use; and

which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of the ~~Illinois~~ Professional Engineering Practice Act of 1989 [225 ILCS 325/9].

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions which these regulations require to

restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten-year, 24-hour precipitation event would be that 24-hour precipitation event expected to occur on the average once in ten years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by Department-approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional Director ~~director~~" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1994). 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Replacement of water supply" means, with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provisions of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

Upon agreement by the permittee and the water supply owner, the obligation to pay operation and maintenance costs may be satisfied by a one-time payment in an amount that covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

including impacts of subsidence.

"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

Is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act [225 ILCS 720/8.06(c)].

An environmental harm is significant if that harm is appreciable and not immediately reparable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

An E horizon is most commonly differentiated from the underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"State violation notice" means a violation notice issued by a state regulatory authority or by another agency or instrumentality of State government.

"Steep slope" means any slope of more than 20 degrees or such lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations" or "mining operations" means:

Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site, provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16 2/3% of the tonnage of minerals removed for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in the first paragraph of this definition occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, coal recovery from coal waste disposal areas, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and the areas on which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities. (Section 1.03(a)(24) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(24)])

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means 2000 pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

Underground operations such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Underground mining operations" means:

the underground excavation of coal; and

surface operations incident to the underground extraction of coal, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas on which are sited support facilities including hoist and ventilation ducts, areas used for the storage and disposal of waste, and areas on which materials incident to underground mining operations are placed; and

underground operations incident to underground excavation of coal, such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, or blasting. (Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(26)])

"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of the operator's permit or any requirement of the State Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the State due to indifference, lack of diligence, or lack of reasonable care. (Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(27)])

"Valid existing rights" means:

Except for haul roads, that a person possesses valid existing rights for an area protected under Section 7.01 of the State Act [225 ILCS 720/7.01] on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970, or both.

For haul roads:

A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or at the time of the designation of an area, as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of the coming into existence, within the prohibited distance of a structure,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

road, cemetery, or other activity listed in Section 7.01 of the State Act; or

Any other road in existence as of August 3, 1977, or at the time of the designation of an area as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of coming into existence, within the prohibited distance of a structure, road, cemetery or other activity listed in Section 7.01 of the State Act.

Where an area comes under the protection of Section 7.01 of the State Act after August 3, 1977, valid existing right shall be found if:

On the date the protection comes into existence, a validly authorized surface coal mine operation exists on that area; or

The prohibition caused by Section 7.01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article 1, Section 15 of Illinois Constitution of 1970, or both.

Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking, upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"Valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than 20 degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten degrees.

"Violation notice" means any written notification, from a governmental entity, whether by letter, memorandum, judicial or administrative pleading, or other written communication, of a violation of the Act; any federal regulation promulgated pursuant thereto; a State program;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

or any federal or state law or regulation pertaining to air or water environmental protection in connection with a surface coal mining operation. It includes, but is not limited to, a notice of violation; an imminent harm cessation order; a failure-to-abate cessation order; a final order, bill or demand letter pertaining to a delinquent civil penalty; a bill or demand letter pertaining to delinquent abandoned mine reclamation fees; and a notice of bond forfeiture, where one or more violations upon which the forfeiture was based have not been corrected.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Wetland" means land that has a predominance of hydric soils (soils which are usually wet and where there is little or no free oxygen) and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation (plants typically found in wet habitats) typically adapted for life in saturated soil conditions. Areas which are restored or created as the result of mitigation or planned construction projects and which function as a wetland are included within this definition even when all three wetland parameters are not present.

"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permanent Program Performance Standards--Underground Mining Operations

2) Code Citation: 62 Ill. Adm. Code 1817

3)

Section Number:	Proposed Action:
1817.41	Amend
1817.46	Amend
1817.49	Amend
1817.89	Amend
1817.101	Amend
1817.111	Amend
1817.116	Amend
1817.121	Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of these amendments is to bring Illinois' program in line with, and make it as effective as, counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

PART 1817
PERMANENT PROGRAM PERFORMANCE STANDARDS--
UNDERGROUND MINING OPERATIONS

Section
1817.11 Signs and Markers
1817.13 Casing and Sealing of Exposed Underground Openings: General Requirements
1817.14 Casing and Sealing of Underground Openings: Temporary
1817.15 Casing and Sealing of Underground Openings: Permanent
1817.21 Topsoil: General Requirements (Repealed)
1817.22 Topsoil and Subsoil
1817.23 Topsoil: Storage (Repealed)
1817.24 Topsoil: Redistribution (Repealed)
1817.25 Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41 Hydrologic Balance Protection
1817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43 Diversions
1817.44 Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45 Hydrologic Balance: Sediment Control Measures
1817.46 Hydrologic Balance: Siltation Structures
1817.47 Hydrologic Balance: Discharge Structures
1817.48 Hydrologic Balance: Acid - Forming and Toxic - Forming Materials (Repealed)
1817.49 Impoundments
1817.50 Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52 Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53 Hydrologic Balance: Transfer of Wells (Repealed)
1817.55 Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56 Post - Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57 Hydrologic Balance: Stream Buffer Zones
1817.59 Coal Recovery
1817.61 Use of Explosives: General Requirements
1817.62 Use of Explosives: Pre - Blasting Survey
1817.64 Use of Explosives: General Performance Standards
1817.65 Use of Explosives: Surface Blasting Requirements (Repealed)
1817.66 Use of Explosives: Blasting Signs, Warnings, and Access Control
1817.67 Use of Explosives: Control of Adverse Effects
1817.68 Use of Explosives: Records of Blasting Operations
1817.71 Disposal of Excess Spoil: General Requirements
1817.72 Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1817.73 Disposal of Underground Development Waste and Excess Spoil: Head-of-Hollow Fills (Repealed)
1817.74 Disposal of Excess Spoil: Durable Rock Fills
1817.75 Disposal of Excess Spoil: Preexisting Benches
1817.81 Coal Mine Waste: General Requirements
1817.82 Coal Processing Waste Banks: Site Inspection (Repealed)
1817.83 Coal Mine Waste: Refuse Piles
1817.84 Coal Mine Waste: Impounding Structures
1817.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
1817.86 Coal Processing Waste: Burning (Repealed)
1817.87 Coal Mine Waste: Burning and Burned Waste Utilization
1817.88 Coal Processing Waste: Return to Underground Workings (Repealed)
1817.89 Disposal of Noncoal Mine Wastes
1817.91 Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
1817.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
1817.93 Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
1817.94 Coal Processing Waste: Time Requirement for Completion of Covering (Repealed)
1817.95 Stabilization of Surface Areas
1817.97 Protection of Fish, Wildlife and Related Environmental Values
1817.99 Slides and Other Damage
1817.100 Contemporaneous Reclamation and Subsidence Control
1817.101 Backfilling and Grading: General Requirements
1817.102 Backfilling and Grading: General Grading Requirements
1817.103 Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials (Repealed)
1817.106 Backfilling and Grading: Previously Mined Areas
1817.107 Backfilling and Grading: Steep Slopes
1817.111 Revegetation: General Requirements
1817.112 Revegetation: Use of Introduced Species (Repealed)
1817.113 Revegetation: Timing
1817.114 Revegetation: Mulching and Other Soil Stabilization Practices
1817.115 Revegetation: Grazing (Repealed)
1817.116 Revegetation: Standards for Success
1817.117 Revegetation: Tree and Shrub Vegetation
1817.121 Subsidence Control
1817.122 Subsidence Control: Public Notice
1817.124 Subsidence Control: Surface Owner Protections (Repealed)
1817.126 Subsidence Control: Buffer Zones (Repealed)
1817.131 Cessation of Operations: Temporary
1817.132 Cessation of Operations: Permanent
1817.133 Post-Mining Land Capability
1817.150 Roads: General
1817.151 Primary Roads
1817.180 Utility Installations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1817.181 Support Facilities
1817.182 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area
1817.190 Affected Acreage Map

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993; amended at 20 Ill. Reg. 1993, effective January 19, 1996; amended at 22 Ill. Reg. 20197, effective November 5, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1817.41 Hydrologic Balance Protection

a) General.
All Underground mining and reclamation activities shall be conducted to minimize disturbance of the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area such as diminution of recharge capacity, and to support approved post-mining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this Part. The Department shall require additional preventative, remedial, or monitoring measures to assure that material damage to the hydrologic balance outside the permit area is prevented if the current approved plan is not sufficient to assure this protection. Mining and reclamation practices that minimize water pollution and changes in flow shall be used in preference to water treatment.

b) Ground water protection. In order to protect the hydrologic balance, underground mining activities shall be conducted according to the plan approved under 62 Ill. Adm. Code 1784.14(g). Ground water quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic, or other harmful infiltration to ground water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water.

c) Ground water monitoring.
1) Ground water monitoring shall be conducted according to the ground water monitoring plan approved under 62 Ill. Adm. Code 1784.14(h). If unanticipated conditions develop, or if an approved operation or reclamation plan is modified or revised, such that the current monitoring program would not detect possible adverse impacts to the hydrologic balance, then the Department shall require additional monitoring including, but not limited to, increased monitoring frequency, additional monitoring wells, or change in the number of parameters being monitored, when it is determined that the proposed, or approved, monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

2) Ground water monitoring data shall be submitted every three ~~(3)~~ months to the Department or more frequently if necessary to detect possible adverse impacts to the hydrologic balance as prescribed by the Department. Ground water monitoring reports shall be submitted by the first day of the second month following the reporting period, unless the Department specifies an alternative reporting schedule. Monitoring reports shall include analytical results from each sample taken during the reporting period. When the analysis of any ground water sample indicates noncompliance with the permit conditions, then the permittee ~~operator~~ shall promptly notify the Department and immediately take the actions provided for in 62 Ill. Adm. Code 1773.17(e) and 1784.14(g).

3) Ground water monitoring shall proceed through mining and continue during reclamation until bond release. Consistent with the procedures of 62 Ill. Adm. Code 1774.13, the Department may modify the monitoring requirements when such changes do not diminish the ability to detect adverse impacts to the hydrologic balance, including the parameters covered and the sampling frequencies, if the permittee ~~operator~~ demonstrates, using the monitoring data obtained under this subsection that:
A) The operation has minimized disturbance to the prevailing hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quality and quantity are suitable to support approved post-mining land uses; or
B) Monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan approved under 62 Ill. Adm. Code 1784.14(h).

4) Equipment, structures, and other devices used in conjunction with monitoring the quality and quantity of ground water onsite and offsite shall be properly installed, maintained, and operated and shall be removed by the permittee ~~operator~~ when no longer needed, except as provided for under subsection (g).

d) Surface water protection. In order to protect the hydrologic balance, underground mining activities shall be conducted according to the plan approved under 62 Ill. Adm. Code 1784.14(g) and the following:
1) Surface water quality shall be protected by handling earth materials, groundwater discharges, and runoff in a manner that minimizes the formation of acidic or toxic drainages; prevents, to the extent possible using the best technology currently

available, additional contributions of suspended solids to streamflow outside the permit area; and otherwise prevents water pollution. If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this Section and Section 1817.42, the permittee ~~operator~~ shall use and maintain the necessary water treatment facilities or water quality controls.

2) Surface water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under 62 Ill. Adm. Code 1784.14(g).

e) Surface water monitoring.

1) Surface water monitoring shall be conducted according to the surface water monitoring plan approved under 62 Ill. Adm. Code 1784.14(i). If unanticipated conditions develop, or if an approved operation or reclamation plan is modified or revised, such that the current monitoring program would not detect possible adverse impacts to the hydrologic balance, then the Department shall require additional monitoring including, but not limited to, changes in the number of parameters or frequency of sample collection when it is determined that the approved plan is not designed to detect adverse impacts to the hydrologic balance.

2) Surface water monitoring data shall be submitted to the Department every three ~~(3)~~ months, or more frequently if necessary to detect possible adverse impacts to the hydrologic balance as prescribed by the Department. This shall include, but not necessarily be limited to, copies of reports submitted for the National Pollutant Discharge Elimination System (NPDES) sent to the Illinois Environmental Protection Agency (EPA). Copies of NPDES reports shall be sent to the Department by the first day of the second month following the reporting period. Monitoring reports shall include analytical results from each sample taken during the reporting period. When the analytical results of any surface water sample indicates noncompliance with the permit conditions, the permittee ~~operator~~ shall notify the Department within five ~~(5)~~ days and immediately take the actions provided for in 62 Ill. Adm. Code 1773.17(e) and 1784.14(g). The reporting requirements of this subsection do not exempt the permittee ~~operator~~ from meeting any NPDES reporting requirements.

3) Surface water monitoring shall proceed through mining and continue until bond release. Consistent with 62 Ill. Adm. Code 1774.13, the Department may modify the monitoring requirements, except those required by the Illinois EPA, when such changes to the approved plan do not diminish the ability to detect adverse impacts to the hydrologic balance, including the parameters covered and sampling frequency if the permittee ~~operator~~ demonstrates using the monitoring data that:

A) The operation has minimized disturbance to the hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quantity and quality are suitable to support approved post-mining land uses; and

B) Monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan approved under 62 Ill. Adm. Code 1784.14(i).

4) Equipment, structures, and other devices used in conjunction with monitoring the quality and quantity of surface water onsite and offsite shall be properly installed, maintained, and operated and shall be removed by the permittee ~~operator~~ when no longer needed, except as provided for in Section 1817.49(b).

f) Acid- and toxic-forming materials.

1) Drainage from acid- and toxic-forming materials and underground development waste into surface water and ground water shall be avoided by:

A) Identifying and burying and/or treating, when necessary, materials which may adversely affect water quality, or be detrimental to vegetation or to public health and safety if not buried and/or treated; and

B) Storing materials in a manner that will protect surface water and ground water by preventing erosion, the formation of polluted runoff, and the infiltration of polluted water. Storage shall be limited to the period until burial and/or treatment first become feasible, and so long as storage will not result in any risk of water pollution or other environmental damage.

2) Storage, burial or treatment practices shall be consistent with other material handling and disposal provisions of Section 1817.102.

g) Before final release of bond, exploratory or monitoring wells shall be sealed in a safe and environmentally sound manner in accordance with Sections 1817.13 and 1817.15. With prior approval of the Department, wells may be transferred to another party for further use. At a minimum, the conditions of such transfer shall comply with State and local law and the permittee shall remain responsible for the proper management of the well until bond release in accordance with Sections 1817.13 and 1817.15.

h) Discharge of water into an underground mine

1) Discharges into an underground mine are prohibited, unless specifically approved by the Department after a demonstration that the discharge will:

A) Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from underground mining activities;

B) Not result in a violation of water quality standards or effluent limitations set forth in Section 1817.42;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

C) Be at a known rate and quality which shall meet the effluent limitations of 62 Ill. Adm. Code 1817.42 for pH and total suspended solids, except that the Department may allow pH and total suspended solids to exceed effluent limits so long as they will not result in any adverse impacts to the hydrologic balance; and

D) Meet with the approval of the Mine Safety and Health Administration.

2) Discharges shall be limited to the following:

A) Water;

B) Coal processing waste;

C) Fly ash from a coal-fired facility;

D) Sludge from an acid-mine drainage treatment facility;

E) Flue-gas desulfurization sludge;

F) Inert materials used for stabilizing underground mines; and

G) Underground mine development wastes.

3) Water from one underground mine may be diverted into other underground workings according to the requirements of this Section.

i) Gravity discharges from underground mines.

1) Surface entries and accesses to underground workings shall be located and managed to prevent or control gravity discharge of water from the mine. Gravity discharges of water from an underground mine, other than a drift mine subject to subsection (i)(2), shall be allowed by the Department if it is demonstrated that the untreated or treated discharge complies with the performance standards of this Part and any additional NPDES permit requirements.

2) Notwithstanding anything to the contrary in subsection (i)(1), the surface entries and accesses of drift mines located in acid-producing or iron-producing coal seams shall be located in such a manner as to prevent any gravity discharge from the mine.

j) Drinking, domestic or residential water supply. The permittee must promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after January 19, 1996, if the affected well or spring was in existence before the date the Department received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic information required in 72 Ill. Adm. Code 1780.21 and 1784.14 and the geologic information concerning baseline hydrologic conditions required in 62 Ill. Adm. Code 1780.22 and 1784.22 will be used to determine the impact of mining activities upon the water supply.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.46 Hydrologic Balance: Siltation Structures

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Definitions. For the purpose of this Section only:

1) Siltation structure means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.

2) Disturbed area shall not include those areas:

A) In which the only underground mining activities include diversion ditches, siltation structures, or roads that are designed, constructed, and maintained in accordance with this Part; and

B) For which the upstream area is not otherwise disturbed by the permittee.

3) Other treatment facilities means any chemical treatments, such as flocculation, or mechanical structures, such as clarifiers, that have a point-source discharge and that are utilized to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area, or to comply with all applicable State and federal water quality laws and regulations.

b) General Requirements.

1) Additional contributions of suspended solids and sediment to stream flow or runoff outside the permit area shall be prevented to the extent possible using the best technology currently available.

2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in subsection (b)(5) or (e).

3) Siltation structures for an area shall be constructed before beginning any underground mining activities in that area and, upon construction, shall be sealed by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan.

4) Any siltation structure which impounds water shall be designed, constructed, and maintained in accordance with Section 1817.49.

5) Siltation structures shall be maintained until removal is authorized by the Department and the disturbed area has been stabilized and revegetated. In no case shall the structure be removed sooner than two years after the last augmented seeding.

6) When a siltation structure is removed, the land on which the siltation structure was located shall be regraded and revegetated in accordance with the reclamation plan and Sections 1817.111 through 1817.117. Sedimentation ponds approved by the Department for retention as permanent impoundments shall be exempted from this requirement.

7) Any point-source discharge of water from underground workings to surface waters which does not meet the effluent limitations of Section 1817.42 shall be passed through a siltation structure before leaving the permit area.

8) The Department encourages the retention of sedimentation ponds which will receive drainage from agricultural areas in the post-mining land use plan.

c) Sedimentation ponds.
   1) When used, sedimentation ponds shall:
      A) Be used individually or in series;
      B) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Department in accordance with Section 1817.57; and
      C) Be designed, constructed, and maintained to:
         i) Provide adequate sediment storage volume;
         ii) Provide adequate detention time to allow the effluent from the ponds to meet effluent limitations specified in Section 1817.42;
         iii) Contain or treat the ten year, 24 hour precipitation event ("design event") unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and on a demonstration by the permittee that the effluent limitations of Section 1817.42 will be met;
         iv) Provide a nonclogging dewatering device adequate to maintain the detention time required under subsection (c)(1)(C)(ii);
         v) Minimize, to the extent possible, short circuiting;
         vi) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;
         vii) Ensure against excessive settlement;
         viii) Be free of sod, large roots, frozen soil, and acid- or toxic-forming coal processing waste; and
         ix) Be compacted properly.
   2) Spillways. A sedimentation pond shall include either a combination of principal and emergency spillways or a single spillway configured as specified in Section 1817.49(a)(9) of this Part. ~~Sedimentation pond discharge structures shall be designed according to the following:~~
      ~~A) Sedimentation ponds meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall comply with all the requirements of 30 CFR 77.216 (1994) and shall have principal and emergency spillways that in combination will safely pass a 100 year, six hour precipitation event; and~~
      ~~B) Sedimentation ponds not meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall provide a combination of principal and emergency spillways that will safely discharge a 25 year, six hour precipitation event. Such ponds may use a single spillway if the spillway:~~
         ~~i) Is an open channel of nonerodable construction and capable of maintaining sustained flows; and~~
         ~~ii) Is not earth or grass lined.~~
      ~~C) 30 CFR 77.216 (1994) does not include any later amendments or editions.~~
d) Other treatment facilities.

   1) Other treatment facilities shall be designed to treat the ten year, 24 hour precipitation event unless a lesser design event is approved by the Department based on terrain, climate, other site-specific conditions, and a demonstration by the permittee that the effluent limitations of Section 1817.42 will be met.
   2) Other treatment facilities shall be designed in accordance with the applicable requirements of subsection (c).
e) Exemptions. Exemptions to the requirements to pass all drainage from disturbed areas through a siltation struction may be granted if the disturbed drainage area within the total disturbed area is small; and
   1) Alternate sediment control measures as described in Section 1817.45(b) are used in lieu of a siltation structure, and the permittee demonstrates that siltation structures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1817.42; or
   2) The permittee demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed drainage areas to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1817.42.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.49 Impoundments

a) The requirements of this subsection apply to both temporary and permanent impoundments.
   1) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," shall comply with "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60 and the requirements of this Section.
   2) ~~1)~~ Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application, insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1784. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.
   3) ~~2)~~ The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.16(a) as designed to meet the requirements of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

4)~~3~~) Stability.

A) An impoundment meeting the Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), ~~size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage~~ shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not included in subsection (a)(4)(A), ~~meeting the size or other criteria of 30 CFR 77.216(a),~~ except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Natural Resources Conservation Service Practice Standard IL 378 ~~270~~, "Ponds," June 1992. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

5)~~4~~) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume. Impoundments meeting the SCS Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrology criteria in the "Minimum Emergency Spillway Hydrology Criteria" table in TR-60.

6)~~5~~) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

7)~~6~~) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

8)~~7~~) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

9)~~8~~) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

10)~~9~~) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the SCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least quarterly during construction, provided at least one inspection is conducted for impoundments completed in less than one quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department, within 30 days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and this Part ~~these regulations~~.

C) A copy of the reports required in subsections (a)(10)(A) and (B) ~~above~~, and the examination reports required in subsection (a)(11~~10~~) ~~below~~, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

11)~~10~~) Impoundments which do not meet the SCS Class B or C criteria for dams in TR-60, or subject to ~~size or other qualifying criteria of~~ 30 CFR 77.216(a), shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been

removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from all examination requirements of this subsection following approval by the Department:

A) Impoundments that are completely incised;

B) Water impounding structures that impound water to a design elevation no more than five feet above the upstream toe of the structure and that can have a storage volume of not more than 20 acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

12)~~11)~~ If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

1) The size and configuration of the impoundment is adequate for its intended purposes;

2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;

3) The water level will be sufficiently stable and be capable of

supporting the intended use;

4) Final grading will provide for adequate safety and access for proposed water users;

5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

6) The impoundment will be suitable for the approved post-mining land use;

7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(4~~3~~). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period;

8) Embankment ponds, those having embankment heights of three ~~(3)~~ feet or greater above natural ground elevation, shall have outslopes of lv:2h or less and interior slopes to the normal pool elevation of lv:2h or less;

9) Permanent impoundments.

A) Permanent impoundments not meeting the Class B or C criteria for dams in TR-60, or the size or other qualifying criteria of 30 CFR 77.216(a), shall be provided with a spillway that will safely discharge a 25 year, six hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type;~~,~~

B) Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a 100 year, six hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type;

C) Permanent impoundments meeting the Class B or C criteria for dams in TR-60 shall be provided with a spillway that meets the criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type;

10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

A) Of nonerodible construction and designed to carry sustained flows; or

B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

1) Temporary impoundments not meeting the Class B or C criteria for dams in TR-60, or the size or other qualifying criteria of 30 CFR 77.216(a), shall be provided with a spillway that will safely discharge a 25 year, six hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a 100 year, six hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the Class B or C criteria for dams in TR-60 shall be provided with a spillway that meets the criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(9~~8~~), an impoundment may have either:

A) A single spillway configured as set forth in subsection (c)(2)(A)(i) or(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

i) Of nonerodible construction and designed to carry sustained flows; or

ii) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or

B) Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1784.16(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

i) In the case of an impoundment meeting the SCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department.

ii) In the case of an impoundment not included in subsection (c)(2)(B)(i) ~~meeting the size or other criteria of 30 CFR 77.216(a)~~, it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.89 Disposal of Noncoal Mine Wastes

a) Noncoal mine wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, timber, and other combustible materials generated during underground mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

b) Final disposal of noncoal mine wastes shall be in a designated disposal site in the permit area, or a permitted solid waste disposal area. Disposal sites in the permit area shall be designed and constructed to ensure that leachate and drainage from the noncoal mine waste area does not degrade surface or underground water. Wastes shall be routinely compacted and covered to prevent combustion and wind-borne waste. When disposal is completed a minimum of two ~~(2)~~ feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with Sections 1817.111 through 1817.117. Operation of the disposal site shall be conducted in accordance with all local, State, and Federal requirements. Areas reclaimed to cropland capability shall have a minimum of four feet of suitable soil cover.

c) At no time shall any noncoal mine waste be deposited in a refuse pile or impounding structure, nor shall any excavation for a noncoal mine waste disposal site be located within eight ~~(8)~~ feet of any coal outcrop or coal storage area.

d) Notwithstanding any other provision in 62 Ill. Adm. Code 1700 through 1850, any noncoal mine waste defined as "hazardous" under Section 3001 of the Resource Conservation and Recovery Act (RCRA) (P.L. 94-580, as amended) and 40 CFR Part 261 shall be handled in accordance with the requirements of Subtitle C of RCRA and in accordance with the Illinois

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Environmental Protection Act as implemented by Title 35, Subtitle G, Part 721.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.101 Backfilling and Grading: General Requirements

a) Surface areas disturbed incident to underground mining activities shall be backfilled and graded in accordance with the time schedule approved by the Department as a condition of the permit, but not later than 12 months after cessation of active use as determined by the Department.
b) Backfilling and grading.
   1) Backfilled material shall be placed to minimize adverse effects on ground water, minimize off-site effects, and support the approved post-mining land use;
   2) The post-mining grades slopes need not be uniform;
   3) Cut-and-fill terraces may be used only in those situations expressly identified in Section 1817.102; and
   4) Mine development wastes, excess spoil, and coal processing waste disposal areas shall be reclaimed in a manner to support the approved post-mining land use.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.111 Revegetation: General Requirements

a) The permittee shall establish on regraded areas and on all other disturbed areas except areas where vegetative cover is inconsistent with the approved post-mining land use, a vegetative cover that is in accordance with the approved permit and reclamation plan and that is:
   1) Diverse, effective, and permanent;
   2) Comprised of species native to the area, or of introduced species where desirable and necessary to achieve the approved post-mining land use and approved by the Department;
   3) At least equal in extent of cover to the natural vegetation of the area; and
   4) Capable of stabilizing the soil surface from erosion.
b) The reestablished plant species shall:
   1) Be compatible with the approved post-mining land use;
   2) Be capable of self-regeneration and plant succession;
   3) Be compatible with the plant and animal species of the area; and
   4) Meet the requirements of the State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations cited in 62 Ill. Adm. Code 1816.111(b)(5).
c) In order to prevent soil erosion, the Department shall grant an exemption to the requirements of subsection (b)(2) when the reestablished species will achieve a quick-growing, temporary stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan.
d) When the Department approves a cropland post-mining land use, the permittee shall be exempt from the requirements of subsections (a)(1), (a)(3) and (b)(2). The requirements of 62 Ill. Adm. Code 1823.15 apply to areas identified as prime farmland ~~and those prime farmlands granted an exemption in accordance with 62 Ill. Adm. Code 1785.17(a)(5)~~.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.116 Revegetation: Standards for Success

a) Success of Revegetation
   1) Success of revegetation shall be judged in accordance with this Section 1817.116 and Section 1817.117.
   2) Requirements
      A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C) below.
      B) The period of extended responsibility shall continue for a period of not less than five full years, except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be two full years. Vegetation parameters identified in subsection (a)(1) above shall equal or exceed the approved standard set forth in subsection (a)(3) below.
      C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 USC ~~U.S.C.~~ 1421 et seq.). On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation and Trade Act of 1990 are available at the Department's Springfield office located at 524 S. Second Street, Springfield, Illinois 62701-1787.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
   i) the area is a minor erosional feature;
   ii) the area is small;
   iii) the erosion is not expected to recur; and
   iv) the area is stable.

   The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:
   i) the area is a minor erosional feature;
   ii) the area is small;
   iii) the erosion is not expected to recur; and
   iv) the area is stable.

   The Department shall notify the permittee in writing whether

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

   Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.

G) Other Management Practices

   The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:
   i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
   ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
   iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

   The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

   A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or otherwise redisturbed by surface coal

mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;

B) For areas to be developed for industrial, commercial or residential use less than two years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;

C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two crop years of a ten year period prior to release of the performance bond, except the first year of the five year responsibility period. During the extended five year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period;

D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117;

E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Productivity shall be considered successful if it is 90% of the productivity required in 62 Ill. Adm.

Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two crop years of a ten ~~(10)~~ year period prior to release of the performance bond, except the first year of the five year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within ten years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any two years of a ten year period prior to the release of the performance bond, except the first year of the five year extended responsibility period. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C) ~~above~~, the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in 62 Ill. Adm. Code 1816.116(a)(4)(D) for one year of hay production on limited capability land; and

F) Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816.Appendix A, to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.

5) Wetland revegetation shall be deemed successful when:

A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's office located at 524 S. Second Street, Springfield, Illinois 62701-1787; and

B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1817.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.

b) The person who conducts underground mining activities shall:

1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a). ~~;~~ ~~and~~

2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred five unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code 1785.15, or shall initiate deep tillage on the areas.

3)~~2)~~ Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1817.121 Subsidence Control

a) Measures to prevent or minimize damage.

1) The permittee ~~operator~~ shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology that ~~which~~ provides for planned subsidence in a predictable and controlled manner. ~~Nothing in this Part shall be construed to prohibit the standard method of room-and-pillar mining.~~

2) Based on the requirements of 62 Ill. Adm. Code 1784.20(b)(7) and (b)(8), the permittee shall perform a survey of the condition of all structures and facilities that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence, as well as a survey of the quantity and quality of all drinking, domestic, and residential water supplies within the permit area, subsidence shadow area, and adjacent area that could be contaminated, diminished, or interrupted by subsidence. The applicant must pay for any technical assessment or engineering evaluation used to determine the pre-mining condition or value of such structures and facilities and the quantity and quality of drinking, domestic, or residential water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner.

A) The condition survey of structures and facilities shall be performed or scheduled to be performed a minimum of 120 days prior to undermining. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee shall provide a copy of the condition survey to the property owner and maintain a copy to be provided to the Department upon request. The permittee shall provide the Department with verification that the survey has been completed and forwarded to the property owner.

B) The survey of drinking, domestic and residential water supplies shall be completed and submitted 120 days prior to the water delivery system being undermined. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee must provide a copy of the water survey to the property owner and to the Department.

3) If a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities, except that measures required to minimize material damage to such structures are not required if:

A) The permittee has the written consent of their owners; or

B) Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.

4) Nothing in this Part prohibits the standard method of room-and-pillar mining.

b) The permittee ~~operator~~ shall comply with all provisions of the subsidence control plan prepared pursuant to the requirements of 62 Ill. Adm. Code 1784.20, and as approved by the Department.

c) Repair of damage. ~~The operator shall:~~

1) Repair of damage to surface land. The permittee must correct ~~Correct~~ any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before damage. ~~subsidence;~~

2) Repair or compensation for damage to structures and facilities. The permittee must promptly repair or compensate the owner for material damage resulting from subsidence caused to any structure or facility that existed at the time of the coal extraction under or adjacent to the materially damaged structure. If repair option is selected, the permittee must fully rehabilitate, restore or replace the damaged structure. If compensation is selected, the permittee must compensate the owner of the damaged structure for the full amount of the decrease in value resulting from the subsidence related damage. The permittee may provide compensation by the purchase, before mining, of a non-cancelable premium-prepaid insurance policy. The requirements of this subsection (c) apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983. ~~Correct material damage resulting from subsidence caused to any structures or facilities by repairing the damage or compensating the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. Repair of damage includes rehabilitation, restoration, or replacement of damaged structures or facilities. Compensation may be accomplished by the purchase prior to mining of a noncancellable premium prepaid insurance policy payable to the surface owner in the full amount of the possible material damage. Nothing in subsection (c)(2) shall be deemed to grant or authorize an exercise of the power of condemnation or the right of eminent domain by any person engaged in underground mining activities; and~~

3) Adjustment of bond amount for subsidence damage. When subsidence-related material damage to land, structures or facilities protected under subsections (c)(1) and (c)(2) occurs, or when contamination, diminution, or interruption to a water supply protected under Section 1817.41(j) of this Part occurs, the Department must require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, or in the amount of the estimated cost to replace the protected water supply if the permittee will be replacing the water supply, until the repair, compensation, or replacement is completed. If repair, compensation, or replacement is completed within 90 days after the occurrence of damage, no additional bond is required. The Department may extend the 90-day time frame, but not to exceed one year, if the permittee demonstrates and the Department finds in writing that subsidence is not complete, that not all probably subsidence-related material damage has occurred to lands or protected structures, or that not all reasonably anticipated changes have occurred affecting the protected water supply, and that therefore it would be unreasonable to complete within 90 days the repair of the subsidence-related material damage to lands or protected structures, or the replacement of protected water supply. The permittee may also utilize appropriate terms and conditions for liability insurance required under 62 Ill. Adm. Code 1800.60 to assure the financial responsibility to comply with subsection (c) is in place. ~~Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation operations permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations.~~

d) Underground mining activities shall not be conducted beneath or adjacent to public buildings and facilities; churches, schools, and hospitals; impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of such features or facilities. If the Department determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.

e) If subsidence causes material damage to any of the features or facilities covered by subsection (d), the Department may suspend mining under or adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features of facilities.

f) The Department shall suspend underground mining activities under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or perennial streams, if imminent danger is found to inhabitants of the urbanized areas, cities, towns, or communities.

g) All underground permittees ~~operators~~ shall on or before April 1~~,~~ of each year submit three ~~(3)~~ mine maps of underground workings to the Department. The mine maps shall indicate the actual extent of mining for the calender year prior to the submittal date. Mine maps and descriptions shall include the size, configuration, and approximate location of pillars and entries, extraction ratios, measures taken to prevent or minimize subsidence and related damage and areas of full extraction. The mine maps shall also project the anticipated extent

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

of mining for at least the calendar year at the time of the submittal. Mine maps shall also include, at a minimum, all features identified in subsection (d) ~~of--this--Section~~, public roads and all Township and Range designations and section corners. The map shall be sealed by an engineer registered in the State of Illinois. The maps shall be planned as a continuous map so that areas mined each year may be added and indicated by the dates mining occurred. Maps shall include the name of the mine and the permittee ~~operator~~; address of the permittee ~~operator~~; scale, including both written and bar scales; and by whom the map was drawn. Maps submitted shall be at a scale approved by the Department as necessary to provide sufficient detail for the information required by this subsection. ~~Upon--request--of--the operator,-information-may-be-held-confidential,-in-accordance-with-the requirements-of-62-Ill.-Adm.-Code-1773.13(d).~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permanent Program Performance Standards - Surface Mining Activities

2) Code Citation: 62 Ill. Adm. Code 1816

3)

Section Number:	Proposed Action:
1816.46	Amend
1816.49	Amend
1816.89	Amend
1816.111	Amend
1816.116	Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of these amendments is to bring Illinois' program in line with and make it as effective as counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1816
PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section
1816.11 Signs and Markers
1816.13 Casing and Sealing of Drilled Holes: General Requirements
1816.14 Casing and Sealing of Drilled Holes: Temporary
1816.15 Casing and Sealing of Drilled Holes: Permanent
1816.21 Topsoil: General Requirements (Repealed)
1816.22 Topsoil and Subsoil
1816.23 Topsoil: Storage (Repealed)
1816.24 Topsoil: Redistribution (Repealed)
1816.25 Topsoil: Nutrients and Soil Amendments (Repealed)
1816.41 Hydrologic Balance Protection
1816.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations
1816.43 Diversions
1816.44 Hydrologic Balance: Stream Channel Diversions (Repealed)
1816.45 Hydrologic Balance: Sediment Control Measures
1816.46 Hydrologic Balance: Siltation Structures
1816.47 Hydrologic Balance: Discharge of Structures
1816.48 Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)
1816.49 Impoundments
1816.50 Hydrologic Balance: Ground Water Protection (Repealed)
1816.51 Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)
1816.52 Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1816.53 Hydrologic Balance: Transfer of Wells (Repealed)
1816.54 Hydrologic Balance: Water Rights and Replacement (Repealed)
1816.55 Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1816.56 Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities
1816.57 Hydrologic Balance: Stream Buffer Zones
1816.59 Coal Recovery
1816.61 Use of Explosives: General Requirements
1816.62 Use of Explosives: Pre-Blasting Survey
1816.64 Use of Explosives: Public Notice of Blasting Schedule
1816.65 Use of Explosives: Surface Blasting Requirements (Repealed)
1816.66 Use of Explosives: Blasting Signs, Warnings, and Access Control
1816.67 Use of Explosives: Control of Adverse Effects
1816.68 Use of Explosives: Records of Blasting Operations
1816.71 Disposal of Excess Spoil: General Requirements
1816.72 Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1816.73 Disposal of Excess Spoil: Head-Of-Hollow Fills (Repealed)
1816.74 Disposal of Excess Spoil: Durable Rock Fills
1816.75 Disposal of Excess Spoil: Preexisting Benches
1816.79 Protection of Underground Mining
1816.81 Coal Mine Waste: General Requirements
1816.82 Coal Processing Waste Banks: Site Inspection (Repealed)
1816.83 Coal Mine Waste: Refuse Piles
1816.84 Coal Mine Waste: Impounding Structures
1816.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
1816.86 Coal Processing Waste: Burning (Repealed)
1816.87 Coal Mine Waste: Burned Waste Utilization
1816.88 Coal Processing Waste: Return to Underground Workings (Repealed)
1816.89 Disposal of Noncoal Mine Wastes
1816.91 Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
1816.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
1816.93 Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
1816.94 Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)
1816.95 Stabilization of Surface Areas
1816.97 Protection of Fish, Wildlife, and Related Environmental Values
1816.99 Slides and Other Damage
1816.100 Contemporaneous Reclamation
1816.101 Backfilling and Grading: General Requirements
1816.102 Backfilling and Grading: General Grading Requirements
1816.103 Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)
1816.104 Backfilling and Grading: Thin Overburden
1816.105 Backfilling and Grading: Thick Overburden
1816.106 Backfilling and Grading: Previously Mined Areas
1816.107 Backfilling and Grading: Steep Slopes
1816.111 Revegetation: General Requirements
1816.112 Revegetation: Use of Introduced Species (Repealed)
1816.113 Revegetation: Timing
1816.114 Revegetation: Mulching and Other Soil Stabilizing Practices
1816.115 Revegetation: Grazing (Repealed)
1816.116 Revegetation: Standards for Success
1816.117 Revegetation: Tree and Shrub Vegetation
1816.131 Cessation of Operations: Temporary
1816.132 Cessation of Operations: Permanent
1816.133 Post-Mining Land Capability
1816.150 Roads: General
1816.151 Primary Roads
1816.180 Utility Installations
1816.181 Support Facilities
1816.190 Affected Acreage Map

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

APPENDIX A Agricultural Lands Productivity Formula
EXHIBIT A County Crop Yields by Soil Mapping Unit
TABLE A Subsoil Adjustments
TABLE B Soil Variance Codes
TABLE C County Numbering System
TABLE D Sample Points Per Crop Acres
TABLE E Soil Master Files (Repealed)
TABLE F County Cropped Acreage File (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992; amended at 17 Ill. Reg. 11001, effective July 1, 1993; amended at 20 Ill. Reg. 2027, effective January 19, 1996; amended at 22 Ill. Reg. 20228, effective November 5, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1816.46 Hydrologic Balance: Siltation Structures

a) Definitions. For the purpose of this Section only:
   1) Siltation structure means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.
   2) Disturbed area shall not include those areas:
      A) In which the only surface mining activities include diversion ditches, siltation structures, or roads that are designed, constructed, and maintained in accordance with this Part; and
      B) For which the upstream area is not otherwise disturbed by the permittee.
   3) Other treatment facilities means any chemical treatments, such as flocculation, or mechanical structures, such as clarifiers, that have a point-source discharge and that are utilized to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area, or to comply with all applicable State and federal water quality laws and regulations.

b) General Requirements
   1) Additional contributions of suspended solids sediment to stream flow or runoff outside the permit area shall be prevented to the extent possible using the best technology currently available.
   2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in subsection (b)(5) or (e).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

3) Siltation structures for an area shall be constructed before beginning any surface mining activities in that area and, upon construction, shall be sealed by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan.
4) Any siltation structure which impounds water shall be designed, constructed, and maintained in accordance with Section 1816.49.
5) Siltation structures shall be maintained until removal is authorized by the Department and the disturbed area has been stabilized and revegetated. In no case shall the structure be removed sooner than two years after the last augmented seeding.
6) When a siltation structure is removed, the land on which the siltation structure was located shall be regraded and revegetated in accordance with the reclamation plan and Sections 1816.111 through 1816.117. Sedimentation ponds approved by the Department for retention as permanent impoundments shall be exempted from this requirement.
7) The Department encourages the retention of sedimentation ponds which will receive drainage from agricultural areas in the post-mining land use plan.

c) Sedimentation ponds
1) When used, sedimentation ponds shall:
A) Be used individually or in series;
B) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Department in accordance with Section 1816.57; and
C) Be designed, constructed, and maintained to:
i) Provide adequate sediment storage volume;
ii) Provide adequate detention time to allow the effluent from the ponds to meet effluent limitations specified in Section 1816.42;
iii) Contain or treat the ten year, 24 hour precipitation event ("design event") unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and on a demonstration by the permittee that the effluent limitations of Section 1816.42 will be met;
iv) Provide a nonclogging dewatering device adequate to maintain the detention time required under subsection (c)(1)(C)(ii);
v) Minimize, to the extent possible, short circuiting;
vi) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;
vii) Ensure against excessive settlement;
viii) Be free of sod, large roots, frozen soil, and acid- or toxic-forming coal processing waste; and
ix) Be compacted properly.
2) Spillways. A sedimentation pond shall include either a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

combination of principal and emergency spillways or a single spillway configured as specified in Section 1816.49(a)(9) of this Part. ~~Sedimentation ponds discharge structures shall be designed according to the following:~~
~~A) Sedimentation ponds meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall comply with all the requirements of 30 CFR 77.216 (1994) and shall have principal and emergency spillways that in combination will safely pass a 100 year, six hour precipitation event; and~~
~~B) Sedimentation ponds not meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall provide a combination of principal and emergency spillways that will safely discharge a 25 year, six hour precipitation event. Such ponds may use a single spillway if the spillway:~~
~~i) Is an open channel of nonerodable construction and capable of maintaining sustained flows; and~~
~~ii) Is not earth or grass lined.~~
~~C) 30 CFR 77.216 (1994) does not include any later amendments or editions.~~

d) Other treatment facilities
1) Other treatment facilities shall be designed to treat the ten year, 24 hour precipitation event unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and a demonstration by the permittee that the effluent limitations of Section 1816.42 will be met.
2) Other treatment facilities shall be designed in accordance with the applicable requirements of subsection (c).

e) Exemptions. Exemptions to the requirements to pass all drainage from disturbed areas through a siltation structure may be granted if the disturbed drainage area within the total disturbed area is small; and
1) Alternate sediment control measures as described in Section 1816.45(b) are used in lieu of a siltation structure, and the permittee demonstrates that siltation structures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1816.42; or
2) The permittee demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1816.42.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1816.49 Impoundments

a) The requirements of this subsection apply to both temporary and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

permanent impondments.

1) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, October 1985), "Earth Dams and Reservoirs," shall comply with "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60 and the requirements of this Section.

2) ~~1)~~ Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the permittee ~~operator~~ shall submit to the Department any certification issued by MSHA with respect to the design plan.

3) ~~2)~~ The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

4) ~~3)~~ Stability

A) An impoundment meeting the Clas B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), ~~size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage~~ shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not included in subsection (a)(4)(A), ~~meeting the size or other criteria of 30 CFR 77.216(a),~~ except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Natural Resources Conservation Service Practice Standard IL 278, "Ponds," June 1992. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

5) ~~4)~~ Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. Impoundments meeting the SCS Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrology criteria in the "Minimum Emergency Spillway Hydrology Criteria" table in TR-60.

6) ~~5)~~ Foundations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

7) ~~6)~~ Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

8) ~~7)~~ Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

9) ~~8)~~ Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

10) ~~9)~~ Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the SCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least quarterly during construction, provided at least one inspection is conducted for impoundments completed in less than one quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department within 30 days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a)(10) ~~(9)~~(A) and (B) ~~above~~, and the examination reports required in subsection (a)(11) ~~(10) below~~, shall be retained at or near

the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

11)~~10)~~ Impoundments which do not meet the SCS Class B or C criteria for dams in TR-60, or subject to ~~size or other qualifying criteria of~~ 30 CFR 77.216~~(a)~~, shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days after the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the permittee ~~operator~~ can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from all examination requirements of this subsection, following approval by the Department:

A) Impoundments that are completely incised;

B) Water impounding structures that impound water to a design elevation no more than five feet above the upstream toe of the structure and that can have a storage volume of not more than 20 acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

12)~~11)~~ If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

1) The size and configuration of the impoundment is adequate for its intended purposes.

2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.

3) The water level will be sufficiently stable and be capable of supporting the intended use.

4) Final grading will provide for adequate safety and access for proposed water users.

5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

6) The impoundment will be suitable for the approved post-mining land use.

7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(4)~~(3)~~. Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

8) Embankment ponds, those having embankment heights of three feet or greater above natural ground elevation, shall have outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

9) Permanent impoundments

A) Permanent impoundments not meeting the Class B or C criteria for dams in TR-60, or the size or other qualifying criteria of 30 CFR 77.216(a), shall be provided with a spillway that will safely discharge a 25 year, six hour precipitation event, or such larger event as may be specified by the

Department based on factors such as terrain, topography and soil type.

B) Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a 100 year, six hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

C) Permanent impoundments meeting the Class B or C criteria for dams in TR-60 shall be provided with a spillway that meets the criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(9)~~(B)~~, an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

A) Of nonerodible construction and designed to carry sustained flows; or

B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments

1) Temporary impoundments not meeting the Class B or C criteria for dams in TR-60, or the size or other qualifying criteria of 30 CFR 77.216(a), shall be provided with a spillway that will safely discharge a 25 year, six hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a 100 year, six hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the Class B or C criteria for dams in TR-60 shall be provided with a spillway that meets the criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60 or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(9)~~(B)~~, an impoundment may have either:

A) A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design

precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

i) Of nonerodible construction and designed to carry sustained flows; or

ii) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or

B) Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the permittee ~~operator~~ and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1780.25(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

i) In the case of an impoundment meeting the SCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department.

ii) In the case of an impoundment not included in subsection (c)(2)(B)(i) ~~meeting the size or other criteria of 30 CFR 77.216(a)~~, it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1816.89 Disposal of Noncoal Mine Wastes

a) Noncoal mine wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, lumber, and other combustible material generated during surface mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

b) Final disposal of noncoal mine wastes shall be in a designated

disposal site in the permit area, or to a permitted solid waste disposal area. Disposal sites in the permit area shall be designed and constructed to ensure that leachate and drainage from the noncoal mine waste area does not degrade surface or underground water. Wastes shall be routinely compacted and covered to prevent combustion and windborne waste. When the disposal is completed a minimum of two ~~(2)~~ feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with Sections 1816.111 through 1816.117. Operation of the disposal site shall be conducted in accordance with all local, State, and Federal requirements. Areas reclaimed to cropland capability shall have a minimum of four feet of suitable soil cover.

c) At no time shall any noncoal mine waste be deposited in a refuse pile or impounding structure, nor shall any excavation for a noncoal mine waste disposal site be located within eight ~~(8)~~ feet of any coal outcrop or coal storage area.

d) Notwithstanding any other provision in 62 Ill. Adm. Code 1700 through 1850 any noncoal mine waste defined as "hazardous" under Section 3001 of the Resource Conservation and Recovery Act (RCRA) (P. L. 94-580, as amended) and 40 CFR 261 shall be handled in accordance with the requirements of Subtitle C of RCRA and in accordance with the Illinois Environmental Protection Act as implemented by Title 35, Subtitle G, Part 721.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1816.111 Revegetation: General Requirements

a) The permittee shall establish on regraded areas and on all other disturbed areas except areas where vegetative cover is inconsistent with the approved post-mining land use, a vegetative cover that is in accordance with the approved permit and reclamation plan that is:
   1) Diverse, effective, and permanent;
   2) Comprised of species native to the area, or of introduced species where desirable and necessary to achieve the approved post-mining land use and approved by the Department;
   3) At least equal in extent of cover to the natural vegetation of the area; and
   4) Capable of stabilizing the soil surface from erosion.

b) The reestablished plant species shall:
   1) Be compatible with the approved post-mining land use;
   2) Have the same seasonal characteristics of growth as the original vegetation;
   3) Be capable of self-regeneration and plant succession;
   4) Be compatible with the plant and animal species of the area; and
   5) Meet the requirements of the Illinois Noxious Weed Law [505 ILCS 100] ~~(Ill. Rev. Stat. 1989, ch. 5, para. 951 et seq.)~~, the ~~The~~

Illinois Seed Law [505 ILCS 110] ~~(Ill. Stat. 1989, ch. 5, para. 401 et seq.)~~ and the Illinois Pesticide Act [415 ILCS 60]. ~~(Ill. Rev. Stat. 1989, ch. 5, para. 801 et seq.)~~

c) In order to prevent soil erosion, the Department shall grant an exemption to the requirements of subsections (b)(2) and (b)(3) when the reestablished species will achieve a quick-growing, temporary stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan.

d) When the Department approved a cropland post-mining land use, the permittee shall be exempt from the requirements of subsections (a)(1), (a)(3), (b)(2), and (b)(3). The requirements of 62 Ill. Adm. Code 1823.15 apply to areas identified as prime farmland ~~and those prime farmlands granted an exemption in accordance with 62 Ill. Adm. Code 1785.17(a)(5)~~.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1816.116 Revegetation: Standards for Success

a) Success of Revegetation
   1) Success of revegetation shall be judged in accordance with Sections 1816.116 and 1816.117.
   2) Requirements
      A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C) ~~below~~.
      B) The period of extended responsibility shall continue for a period of not less than five full years, except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be two full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).
      C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

disease, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 USC ~~U.S.C.~~ 1421 et seq.). On all lands with a postmining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation, and Trade Act of 1990 are available at the Department's Springfield office located at 524 S. Second Street, Springfield, Illinois 62701-1787.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if a permittee ~~an operator~~ has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

i) the area is a minor erosional feature;
ii) the area is small;
iii) the erosion is not expected to recur; and
iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

i) the area is a minor erosional feature;
ii) the area is small;
iii) the erosion is not expected to recur; and
iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmented. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.

G) Other Management Practices

The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:

i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a

minimum, the following conditions:

A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;

B) For areas to be developed for industrial, commercial or residential use less than two years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;

C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4) ~~below~~. Crop production shall be considered successful if it is 90% of that crop production required in subsection (a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two crop years of a ten year period prior to release of the performance bond, except the first year of the five year responsibility period. During the extended five year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) ~~above~~ until the end of the responsibility period;

D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1816.117;

E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.) productivity success (tons of grasses and/or legumes per acre) shall be

determined in accordance with subsection (a)(4). Productivity shall be considered successful if it is 90% of the productivity required in subsection (a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two crop years of a ten year period prior to release of the performance bond, except the first year of the five year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) ~~above~~ until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within ten years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any two years of a ten year period prior to the release of the performance bond, except the first year of the five year extended responsibility period. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C) ~~above~~, the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in subsection (a)(4)(D) ~~below~~ for one year of hay production on limited capability land;

F) Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the permittee ~~operator~~ can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

4) In order to use the Agricultural Lands Productivity Formula, ~~Section 1816.~~ Appendix A of this Part, to determine success of revegetation, the following shall apply:

A) The permittee shall submit annually, by February 15, a one inch equals 500 feet or larger scale drawing or aerial photograph delineating:

i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommencing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(A)(ii) ~~below~~; and

ii) The crop (e.g., hay, wheat, corn, soybeans, sorghum, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year. The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1774.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes. A field is an area of land reclaimed by a single reclamation technique that comprises either high capability land or prime farmland or limited capability pasture land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment.

B) Fields identified in subsection (a)(4)(A) ~~above~~ to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The sampling method of ~~Section 1816~~ Appendix A shall apply. Soil and water conservation practices approved in the permit application including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of Section 1816.Appendix A and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

C) Adjustments for abnormal growing conditions shall be made if such adjustments are certified by a crop adjuster certified to perform adjustments by the Federal Crop Insurance Corporation. At the request of a permittee, the Department of Agriculture shall make arrangements for such an appraisal or adjustment review. Before any such an appraisal or adjustment shall be arranged, the permittee shall file with the Illinois Department of Agriculture an agreement to pay the full cost of any crop adjustment or appraisal so requested.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, sorghum, wheat, or oats. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one successful year of corn and if the Department has approved its use a maximum of one successful year each of hay, wheat and oat crops.

5) Wetland revegetation shall be deemed successful when:

A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's office located at 524 S. Second Street, Springfield, Illinois 62701-1787; and

B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1816.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.

b) The person who conducts surface mining activities shall:

1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and

2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred five unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code 1785.15, or shall initiate deep tillage on the areas.

3)~~2)~~ Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities. The forms shall be submitted with a copy

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Special Program Performance Standards--Operations on Prime Farmland

2) Code Citation: 62 Ill. Adm. Code 1823

3) Section Number: 1823.14 — Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of these amendments is to bring Illinois' program in line with and make it as effective as counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1823
SPECIAL PROGRAM PERFORMANCE STANDARDS--
OPERATIONS ON PRIME FARMLAND

Section
1823.1 Scope
1823.2 Objective
1823.11 Prime Farmland: Applicability
1823.12 Prime Farmland: Soil Removal
1823.13 Prime Farmland: Soil Stockpiling
1823.14 Prime Farmland: Soil Replacement
1823.15 Prime Farmland: Revegetation

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 9987, effective September 3, 1982; codified at 8 Ill. Reg. 9361; amended at 10 Ill. Reg. 9631, effective July 1, 1986; amended at 15 Ill. Reg. 17289, effective January 1, 1992; amended at 22 Ill. Reg. 20131, effective November 5, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1823.14 Prime Farmland: Soil Replacement

Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

a) Requirements

1) The minimum depth of soil and soil material to be reconstructed for prime farmland shall be 48 inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than 48 inches wherever necessary to restore productive capacity due to uniquely favorable soil horizons at greater depths; and

2) Subsections (a)(1) and (d) shall not apply to prime farmland fragipan soils. Prime farmland fragipan soil shall be reconstructed in accordance with 62 Ill. Adm. Code 1825.14(a)(1), (a)(2), (a)(3), and (a)(5). For the purposes of this provision, prime farmland fragipan soils are specific soils classified as prime farmland that are underlain with a diagnostic subsurface horizon designated as a fragipan by the Soil Conservation Service of the U.S. Department of Agriculture according to the criteria set in Soil Taxonomy, U.S.D.A. Handbook AH 436, including the following soils found in Illinois: Ava, Grantsburg, and Hosmer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

series as defined by the Soil Interpretation Sheets of the Natural Resources Conservation Service;

b) Replace soil material only on land which has been first returned to final grade and scarified according to 62 Ill. Adm. Code 1816.101 through 1816.105 or 62 Ill. Adm. Code 1817.101 through 1817.105, unless site-specific evidence is provided and approved by the Department showing that scarification will not enhance the capability of the recommended soil to achieve equivalent or higher levels of yield;

c) Replace the soil horizons or other suitable soil material in a manner that avoids excessive compaction;

d) Replace the B horizon or other suitable material specified in Section 1823.12(a)(2) and (a)(3) to the thickness needed to meet the requirements of subsection (a) of this Section. In those areas where the B or C horizons were not removed but may have been compacted or otherwise damaged during the mining operation, the permittee shall engage in deep tillage or other appropriate means to restore pre-mining capabilities;

e) Replace the A horizon or other suitable soil materials specified in Section 1823.12(a)(1) as the final surface soil layer. This surface soil layer shall equal or exceed the thickness of the original soil, as determined in 62 Ill. Adm. Code 1785.17(b)(1)(B) and be replaced in a manner that protects the surface layer from wind and water erosion before it is seeded or planted;

f) Apply nutrients and soil amendments as needed to quickly establish vegetative growth;

g) Prime farmland shall have a planned erosion control system if expected soil loss from row crop production will exceed the tolerable soil loss limits as defined by "Resource Conservation Planning Technical Material-IL-4" (May 12, 1977). "Resource Conservation Planning Technical Material-IL-4", issued by the U.S. Department of Agriculture, Natural Resources Conservation Service, located at 1902 Fox Drive, Champaign, Illinois 61820, is hereby incorporated by reference and does not include later editions or amendments. Terrace systems, when utilized as part of a planned erosion control system, shall be constructed according to U.S. Department of Agriculture, Natural Resources Conservation Service specifications. Erosion control plans in compliance with this subsection shall be submitted to and approved by the Department after final grading based on seasonal factors, the extent of the area, and the sophistication of the erosion control plan.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Surface Mining Permit Application Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1780

3) Section Number: 1780.25 — Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of this amendment is to bring Illinois' program in line with and make it as effective as counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1780
SURFACE MINING PERMIT APPLICATION--MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section
1780.4 Responsibilities
1780.5 Use of Existing Data
1780.6 Use of Expert Opinion
1780.11 Operation Plan: General Requirements
1780.12 Operation Plan: Existing Structures
1780.13 Operation Plan: Blasting
1780.14 Operation Plan: Maps and Plans
1780.15 Air Pollution Control Plan
1780.16 Fish and Wildlife Plan
1780.18 Reclamation Plan: General Requirements
1780.21 Hydrologic Information
1780.22 Geologic Information
1780.23 Reclamation Plan: Pre-Mining and Post-Mining Information
1780.25 Reclamation Plan: Siltation Structures ~~Ponds~~, Impoundments, Banks, Dams, and Embankments
1780.27 Reclamation Plan: Surface Mining Near Underground Mining
1780.29 Diversions
1780.31 Protection of Public Parks and Historic Places
1780.33 Relocation or Use of Public Roads
1780.35 Disposal of Excess Spoil
1780.37 Transportation Facilities
1780.38 Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)
1780.39 Support Facilities

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8511; amended at 11 Ill. Reg. 8602, effective July 1, 1987; amended at 14 Ill. Reg. 11911, effective January 1, 1991; amended at 15 Ill. Reg. 17294, effective January 1, 1992; amended at 17 Ill. Reg. 11122, effective July 1, 1993; amended at 20 Ill. Reg. 2141, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 22 Ill. Reg. 7712; amended at 23 Ill. Reg. _____, effective _____.

Section 1780.25 Reclamation Plan: Siltation Structures ~~Ponds~~, Impoundments, Banks, Dams, and Embankments.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Each application shall include a general plan for each proposed siltation structure ~~sedimentation pond~~, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area.

1) Each general plan shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The Illinois~~ Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~Act--(Ill.-Rev.-Stat.-1985,-ch.-111,-pars.-5101-5137)~~, with assistance from experts in related fields such as land surveying, geology and landscape architecture;

B) Contain a description, map, and cross-section of the structure and its location;

C) Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure;

D) Contain a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred; and

E) Contain a certification statement which includes a schedule setting forth the dates that any detailed design plans for structures, that are not submitted with the general plan, will be submitted to the Department. The Department shall have approved, in writing, the detailed design plan for a structure before construction of the structure begins.

2) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Resevoirs," shall comply with the requirements of this Section for structures that meet or exceed the size or other criteria of the Mine Safety and Health Administration (MSHA). Each detailed design plan for a structure that meets or exceeds the size or other criteria of MSHA, 30 CFR 77.216(a), shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The Illinois~~ Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~Act--(Ill.-Rev.-Stat.-1985,-ch.-111,-pars.-5101-5137)~~ with assistance from experts in related fields such as geology, land surveying and landscape architecture;

B) Include any design and construction requirements for the structure, including any required geotechnical information;

C) Describe the operation and maintenance requirements for each structure; and

D) Describe the timetable and plans to remove each structure, if appropriate.

3) Each detailed design plan for a structure not included in subsection (a)(2) above ~~that--does--not-meet-the-size-or-other-criteria-of-30-CFR-77.216(a)~~ shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The Illinois~~ Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~Act--(Ill.-Rev.-Stat.-1985,-ch.-111,-pars.-5101-5137)~~;

B) Include any design and construction requirements for the structure, including any required geotechnical information;

C) Describe the operation and maintenance requirements for each structure; and

D) Describe the timetable and plans to remove each structure, if appropriate.

b) Siltation structures ~~Sedimentation--ponds~~. Siltation structures ~~Sedimentation ponds, whether temporary or permanent,~~ shall be designed in compliance with the requirements of 62 Ill. Adm. Code 1816.46. Any sedimentation pond or earthen structure which will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 62 Ill. Adm. Code 1816.49. Each plan shall, at minimum, comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2.

c) Permanent and temporary impoundments. Permanent and temporary impoundments shall be designed to comply with the requirements of 62 Ill. Adm. Code 1816.49. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2.

d) Coal processing waste banks. Coal processing waste banks shall be designed to comply with the requirements of 62 Ill. Adm. Code 1816.81 through 1816.84.

e) Coal processing waste dams and embankments. Coal processing waste dams and embankments shall be designed to comply with the requirements of 62 Ill. Adm. Code 1816.81 through 1816.84. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

1) The number, location, and depth of borings and test pits shall be determined using current engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions;

2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or reservoir site shall be considered;

3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

embankment shall be identified on each plan; and

4) Consideration shall be given to the possibility of mudflow, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

f) If the structure meets the Class B or C criteria for dams in TR-60 or meets the size or other criteria of 30 CFR 77.216(a), ~~is twenty (20) feet or higher or impounds more than twenty (20) acre-feet~~, each plan under subsections (b), (c), and (e) shall include a stability analysis of each structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressure, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

g) Submission of MSHA certification documents for a detailed design plan under this Section shall satisfy the requirements of this Section, insofar as the MSHA informational and design standard requirements are duplicative of the requirements of this Section.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Underground Mining Permit Applications-Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1784

3)

Section Number:	Proposed Action:
1784.14	Amend
1784.16	Amend
1784.20	Amend

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Energy Policy Act of 1992 amended the Surface Mining Control and Reclamation Act, which is the federal law after which Illinois' surface mining and reclamation program is modeled. Subsequent to these amendments, the federal Office of Surface Mining notified the Department that its rules were no longer as effective as counterpart federal rules, given the Energy Policy Act of 1992 amendments. The purpose of these amendments is to bring Illinois' program in line with and make it as effective as counterpart federal law and regulations.

The proposed amendments require underground mine operators to monitor landowner water supplies and the condition of buildings prior to subsidence. Any water loss or building damage resulting from subsidence must be repaired or replaced.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1784
UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section
1784.4 Responsibilities
1784.5 Use of Existing Data
1784.6 Use of Expert Opinion
1784.11 Operation Plan: General Requirements
1784.12 Operation Plan: Existing Structures
1784.13 Reclamation Plan: General Requirements
1784.14 Hydrologic Information
1784.15 Reclamation Plan: Pre-Mining and Post-Mining Information
1784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1784.17 Protection of Public Parks and Historic Places
1784.18 Relocation or Use of Public Roads
1784.19 Underground Development Waste
1784.20 Subsidence Control Plan
1784.21 Fish and Wildlife Plan
1784.22 Geologic Information
1784.23 Operation Plan: Maps and Plans
1784.24 Transportation Facilities
1784.25 Return of Coal Processing Waste to Abandoned Underground Workings
1784.26 Air Pollution Control Plan
1784.27 Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)
1784.29 Diversions
1784.30 Support Facilities

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9350; amended at 11 Ill. Reg. 8652, effective July 1, 1987; amended at 14 Ill. Reg. 11935, effective January 1, 1991; amended at 15 Ill. Reg. 17301, effective January 1, 1992; amended at 17 Ill. Reg. 11135, effective July 1, 1993; amended at 20 Ill. Reg. 2166, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 22 Ill. Reg. 7712; amended at 23 Ill. Reg. _____, effective _____.

Section 1784.14 Hydrologic Information

a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th

edition of "Standard Methods for the Examination of Water and Wastewater," (1980), which is incorporated by reference, or the methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW, Washington, D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Office ~~Department~~ of Mines and Minerals, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

1) Ground water information.

The location and ownership for the permit, shadow and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

A) Ground water quality descriptions shall include, at a minimum:

i) for the permit area and its adjacent area, pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

ii) for the shadow area and its adjacent area, pH, total dissolved solids, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

B) Ground water quantity descriptions for the permit, shadow and adjacent areas shall include, at a minimum, rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing statum which may be potentially impacted below

the coal to be mined.

2) Surface water information.

The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.

A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.

B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.

3) If the determination of probable hydrologic consequences required by subsection (e) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (b)(1) and (2) ~~above~~ shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

c) Baseline cumulative impact area information.

1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (f) below shall be provided to the Department, if available from appropriate Federal or State agencies.

2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.

3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.

d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each

site even when such techniques are used.

e) Determination of the probable hydrologic consequences (PHC).

1) The application shall contain a determination of the probable hydrologic consequences of the proposed operation on the proposed permit area, shadow area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences on a site-specific basis.

2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

3) The PHC determination shall include findings on:

A) Whether adverse impacts may occur to the hydrologic balance;

B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface-or ground-water supplies; ~~and~~

C) What impact the proposed operation will have on:

i) sediment yield from the disturbed areas;

ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;

iii) flooding or stream-flow alteration;

iv) ground-water and surface-water availability; and

v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment and the Department's technical review; and ~~.~~

D) Whether the underground mining activities conducted after January 19, 1996 may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking or residential purposes within the permit, shadow or adjacent areas.

4) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.

f) Cumulative hydrologic impact assessment.

1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall

allow the submittal of data and analyses by the permittee in accordance with subsection (c) ~~above~~.

2) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.

g) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1817, including 62 Ill. Adm. Code 1817.41 through 1817.43, will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation, through bond release, to minimize disturbances to the hydrologic balance within the permit, shadow, and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (e) ~~above~~ and shall include preventative and remedial measures.

h) Ground water monitoring plan.

1) The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (e) ~~above~~ and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (g) ~~above~~. It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

2) If an applicant can demonstrate by the use of the probable

hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

i) Surface water monitoring plan.

1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (e) ~~above~~ and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance as set forth in subsection (g) ~~above~~, and to the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations, pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).

3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three ~~(3)~~ months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments

a) General. Each application shall include a general plan for each

proposed siltation structure ~~sedimentation pond~~, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area.

1) Each general plan shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The~~ Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~(Ill. Rev. Stat. 1985, ch. 111, pars. 5101 - 5137)~~ with assistance from experts in related fields such as land surveying, geology and landscape architecture;

B) Contain a description, map, and cross-section of the structure and its location;

C) Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure;

D) Contain a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred; and

E) Contain a certification statement which includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the Department. The Department shall have approved, in writing, the detailed design plan for a structure before construction of the structure begins.

2) Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," shall comply with the requirements of this Section for structures that meet or exceed the size or other criteria of the Mine Safety and Health Administration (MSHA). Each detailed design plan for a structure that does not meet the size or other criteria of 30 CFR 77.216(a) shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The~~ Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~(Ill. Rev. Stat. 1985, ch. 111, pars. 5101 - 5137)~~ with assistance from experts in related fields such as geology, land surveying and landscape architecture;

B) Include any design and construction requirements for the structure, including any required geotechnical information;

C) Describe the operation and maintenance requirements for each structure; and

D) Describe the timetable and plans to remove each structure, if appropriate.

3) Each detailed design plan for a structure not included in subsection (a)(2) ~~that meets or exceeds the size or other criteria of the Mine Safety and Health Administration (MSHA), 30 CFR 77.216(a)~~ shall:

A) Be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the ~~The~~ Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] ~~(Ill. Rev. Stat. 1985, ch. 111, pars. 5101 - 5137)~~ with assistance from experts in related fields such as geology, land surveying, and landscape architecture;

B) Including any geotechnical investigation, design, and construction requirements for the structure;

C) Describe the operation and maintenance requirements for each structure; and

D) Describe the timetable and plans to remove each structure, if appropriate.

b) Siltation structures ~~Sedimentation ponds~~.

1) Siltation structures ~~Sedimentation ponds, whether temporary or permanent,~~ shall be designed in compliance with the requirements of 62 Ill. Adm. Code 1817.46. Any sedimentation pond or earthen structure which will remain on the proposed permit areas as a permanent water impoundment shall also be designed to comply with the requirements of 62 Ill. Adm. Code 1817.49.

2) Each detailed plan shall, at a minimum, comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2.

c) Permanent and temporary impoundments. Permanent and temporary impoundments shall be designed to comply with the detailed requirements of 62 Ill. Adm. Code 1817.49. Each plan shall comply with the requirements of 30 CFR 77.216-1 and 77.216-2.

d) Coal processing waste banks. Coal processing waste banks shall be designed to comply with the requirements of 62 Ill. Adm. Code 1817.81 through 1817.84.

e) Coal processing waste dams and embankments. Coal processing waste dams and embankments shall be designed to comply with the detailed requirements of 62 Ill. Adm. Code 1817.81 through 1817.84. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

1) The number, location, and depth of borings and test pits shall be determined using current prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions;

2) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankments, or reservoir site shall be considered;

3) All springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan; and

4) Consideration shall be given to the possibility of mudflows, rock debris falls, or other landslides into the dam, embankment, or impounded material.

f) If the structure meets the Class B or C criteria for dams in TR-60 or meets the size or other criteria of 30 CFR 77.216(a) ~~is twenty (20) feet or higher or impounds more than twenty (20) acre-feet~~, each detailed plan under subsections (b), (c), and (e) shall include a stability analysis of each structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

g) Submission of MSHA certification documents for a detailed design plan under this Section shall satisfy the requirements of this Section insofar as the MSHA informational design standard requirements are duplicative of the requirements of this Section.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1784.20 Subsidence Control Plan

~~The permit application shall include a survey which shall show whether structures, including surface and underground agricultural drainage systems, or renewable resource lands exist within the proposed permit, shadow and adjacent areas and whether subsidence if it occurred could cause material damage or diminution of reasonably foreseeable use of such structures or renewable resource lands. If the survey shows that no such structures or renewable resource lands exist, or no such material damage or diminution could be caused in the event of mine subsidence, and if the Department agrees with such conclusion, no further information need be provided in the application under this Section. In the event the survey shows such structures or renewable resource lands exist, or that subsidence could cause material damage or diminution of value or foreseeable use of the land, or if the Department determines that such damage or diminution could occur, the application shall include a subsidence control plan which shall contain the following information:~~

a) Pre-subsidence survey. Each application must include: ~~A description of the methods of coal removal, such as longwall mining, room and pillar removal, hydraulic mining, or other extraction methods, including the proposed size, sequence, and timing for the development of underground workings.~~

1) A map of the permit, shadow and adjacent areas at a scale of 1:12,000, or larger if determined necessary by the Department, showing the location and type of structures and renewable

resource lands that subsidence may materially damage or for which the value of reasonably foreseeable use may be diminished by subsidence, and showing the location, depth and type of drinking, domestic, and residential water supplies that could be contaminated, diminished, or interrupted by subsidence.

2) A narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value or reasonably foreseeable use of such structures or renewable resource lands or could contaminate, diminish, or interrupt drinking, domestic, or residential water supplies.

b) Subsidence control plan. No further imformation needs to be provided under this Section if the survey conducted under subsection (a) shows that: no structures or drinking, domestic, or residential water supplies or renewable resource lands exist; no material damage or diminution in value or reasonably foreseeable use of such structures or lands would occur; and no contamination, diminution, or interruption of such water supplies would occur as a result of mine subsidence; and if the Department agrees with this conclusion. If the survey shows that structures, renewable resource lands, or water supplies exist and that subsidence could cause material damage or diminution in value or reasonably foreseeable use, or contamination, diminution, or interruption of protected water supplies, or if the Department determines that damage, diminution in value or foreseeable use, or contamination, diminution, or interruption could occur, the application must include a subsidence control plan that contains the following information: ~~A map of underground workings which describes the location and extent of areas in which planned subsidence mining methods will be used and which includes all areas where the measures described in subsection (d) will be taken to prevent or minimize subsidence and subsidence related damage.~~

1) A description of the method of coal removal, such as longwall mining, room-and-pillar removal or hydraulic mining, including the size, sequence and timing of the development of underground workings;

2) A map of the underground workings that describes the location and extent of the areas in which planned-subsidence mining methods will be used and that identifies all areas where the measures described in subsections (b)(4), (b)(5) and (b)(7) will be taken to prevent or minimize subsidence and subsidence-related damage and, when applicable, to correct subsidence-related material damage;

3) A description of the physical conditions, such as depth of cover, seam thickness, lithology of overlaying and underlying strata, and geotechnical stability parameters that affect the likelihood of subsidence and subsidence related damage or potential underground mining impacts on ground water supplies;

4) A description of the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate,

other measures can be taken to prevent, reduce or correct material damage in accordance with 62 Ill. Adm. Code 1817.121(c);

5) Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence related damage, such as, but not limited to:

A) Backstowing or backfilling of voids;

B) Leaving support pillars of coal;

C) Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving coal in place;

D) Taking measures on the surface to prevent or minimize material damage or diminution in value of the surface; and

E) Geotechnical and engineering analysis of the mining geology and geometry, percent extraction and historic performance to substantiate a stable subsidence control plan;

6) A description of the anticipated effects of planned subsidence, if any;

7) For those areas where unplanned subsidence is projected to be used, a description of procedures to determine the quantity and quality of drinking, domestic and residential water supplies in accordance with 62 Ill. Adm. Code 1817.121(a)(2), if impacts could reasonably be expected to cause material damage. The applicant may request an exemption for conducting surveys of drinking, domestic and residential water supplies required at 62 Ill. Adm. Code 1817.121(a)(2) if it can be demonstrated that material damage resulting from underground mining is not likely to occur. This demonstration shall be based on site specific geotechnical information, stability design and historical performance provided in subsection (b)(3) and (b)(5);

8) For those areas where planned subsidence is projected to be used, provide:

A) a description of methods to be employed to minimize damage from planned subsidence to structures and facilities; or the written consent of the owner of the structure or facility that minimization measures not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the costs of minimizing damage exceed the anticipated costs of repair;

B) a description of procedures to determine the condition of structures and facilities and the quantity and quality of drinking, domestic and residential water supplies in accordance with 62 Ill. Adm. Code 1817.121(a)(2), if impacts could reasonably be expected to cause material damage. The applicant may request an exemption from conducting structure condition surveys and/or surveys of drinking, domestic and residential water supplies required by 62 Ill. Adm. Code 1817.121(a)(2) if it can be demonstrated that material

damage resulting from underground mining is not likely to occur. This demonstration shall be based on site specific geotechnical information, stability design and historical performance provided under subsections (b)(3) and (b)(6);

9) A description of the measures to be taken in accordance with 62 Ill. Adm. Code 1817.41(j) and 1817.121(c) to replace adversely affected protected water supplies or to mitigate or remedy any subsidence related material damage to the land and protected structures. In conjunction with this requirement, the applicant shall:

A) provide procedures to determine the existence and degree of material damage or diminution of value or foreseeable use of the surface, structures and facilities, or water quality and quantity. The procedures shall also address resolution of disputes between the landowner and the permittee over the existence, amount, level or degree of damage, such as third party arbitration; and

B) provide a plan for determining an appropriate present worth amount and describe how to resolve disputes between the landowner and the applicant over this amount, such as third party arbitration;

10) Other information specified by the Department as necessary to demonstrate that the operation will be conducted in accordance with 62 Ill. Adm. Code 1817.121.

~~c) A description of the physical conditions, such as depth of cover, seam thickness, and lithology, which affect the likelihood or extent of subsidence and subsidence related damage.~~

~~d) Except for those areas where planned subsidence is projected to be used, a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence related damage, including, but not limited to:~~

~~1) Backstowing or backfilling of voids;~~

~~2) Leaving support pillars of coal;~~

~~3) Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving the coal in place;~~

~~4) Taking measures on the surface to prevent material damage or lessening of the value of reasonably foreseeable use of the surface; and~~

~~5) Monitoring, if any, to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material damage.~~

~~e) A description of the anticipated effects of planned subsidence, if any.~~

~~f) A description of measures to be taken in accordance with the requirements of 62 Ill. Adm. Code 1817.121(c) to mitigate or remedy any subsidence related material damage to, or diminution in value or reasonably foreseeable use of the land, structures or facilities. In conjunction with this requirement, the operator shall provide a description of measures to be taken to determine the degree of material damage or diminution of value or foreseeable use of the surface.~~

~~g) Other information specified by the Department as necessary to demonstrate the the operation will be conducted in accordance with the performance standards of 62 Ill. Adm. Code 1817.121 for subsidence control.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Pharmacy Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1330

3) Section Numbers: Proposed Action:
1330.60 Amendment

4) Statutory Authority: Pharmacy Practice Act of 1987 [225 ILCS 85]

5) A Complete Description of the Subjects and Issues Involved: Section 1330.60 adds passage of the Illinois multi-state jurisprudence examination to replace mandatory orientation sessions for endorsement applicants.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Pharmacy skills are necessary for licensure.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330
PHARMACY PRACTICE ACT OF 1987

Section
1330.05 Definitions
1330.10 Application for Certificate of Registration as a Pharmacy Technician
1330.20 Approval of Pharmacy Programs
1330.30 Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40 Application for Examination
1330.50 Examination for Licensure
1330.55 Application for Licensure on the Basis of Examination
1330.60 Endorsement
1330.65 Patient Counseling
1330.70 Definitions (Renumbered)
1330.75 Security Requirements
1330.80 Violations
1330.90 Divisions of Pharmacy Licenses
1330.91 Division I Pharmacies
1330.92 Division II Pharmacies
1330.93 Division III Pharmacies
1330.94 Division IV Pharmacies
1330.95 Division V Pharmacies
1330.96 Nonresident Pharmacies
1330.98 Automated Dispensing and Storage Systems
1330.99 Parenteral Product Standards
1330.100 Application for a Pharmacy License
1330.110 Granting Variances
1330.120 Renewals
1330.130 Restoration
1330.140 Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1330.60 Endorsement

a) An applicant who is currently licensed by examination under the laws of another U.S. jurisdiction or another country shall file an application with the Department, together with:
   1) Certification of graduation from a 5 year pharmacy program approved pursuant to Section 6 of the Act and Section 1330.20 of this Part;
   2) For individuals licensed in another state prior to January 1, 1983, proof of having completed the hours of apprenticeship; or, if at least 1500 hours of apprenticeship were not required, an affidavit attesting to the period of the applicant's active experience as a pharmacist;
   3) A certification by the state or territory of original licensure, stating:
      A) The time during which the applicant was licensed in that state;
      B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
      C) A brief description of the examination and the applicant's grades; and
   4) Proof of successful passage of the Illinois multi-state jurisprudence examination; and
   5)~~4)~~ The fee as required by Section 25 of the Act.
b) The Department and the Board shall examine each application to determine whether the requirements, at the time of licensure in the state where the applicant was licensed by examination, were substantially equivalent to the requirements then in force in this State.
c) If the requirements are found to be substantially equivalent and the applicant graduated from an approved college of pharmacy and meets all other requirements of Section 6 of the Act, the Department will notify the applicant of approval and/or denial and the reasons therefor within 30 days after receipt of the application and supporting documentation.
~~d) If an application is approved, the applicant will be scheduled for and shall be required to attend an orientation session given by the Board which shall cover areas of Illinois law and practice and the disciplinary procedures of the Department.~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

~~e) The Department shall, within 30 days after the completion of the orientation, issue a license by endorsement to the applicant.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois

2) Code Citation: 77 Ill. Adm. Code 855

3)

Section Numbers:	Proposed Action:
855.10	Amendment
855.450	Amendment

4) Statutory Authority: Authorized by and implementing the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the Department's incorporation by reference of OSHA regulations entitled "Safety and Health Regulations for Construction - Asbestos" to the June 1998 revisions of the regulations.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito, Division of Legal Services
Illinois Department of Public Health
525 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
E-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not affect small businesses.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for this rulemaking was not apparent when the regulatory agenda was finalized.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCE

PART 855
ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE
SCHOOLS AND COMMERCIAL AND PUBLIC BUILDINGS IN ILLINOIS

SUBPART A: GENERAL PROVISIONS

Section
855.5 Applicability
855.10 Incorporation by Reference-Federal Regulations and Other Standards
855.20 Definitions
855.25 Alternative Procedures and Variances

SUBPART B: LICENSURE AND TRAINING COURSE APPROVAL

Section
855.100 License Requirements
855.110 Contractor Licensing
855.120 Training Course Approval and Accreditation

SUBPART C: RESPONSIBILITIES OF LICENSED PERSONS

Section
855.140 Supervisor Responsibilities
855.150 Project Designer Responsibilities
855.160 Management Planner Responsibilities
855.170 Project Manager Responsibilities, Air Sampling Professional Responsibilities and Laboratory Services

SUBPART D: GENERAL ABATEMENT REQUIREMENTS FOR COMMERCIAL AND PUBLIC BUILDINGS

Section
855.220 Notification and Procedures for Abatement of Asbestos in Commercial and Public Buildings
855.230 Equipment and Waste Container Removal Procedures
855.240 Reestablishment of the Work Area and HVAC Systems in Commercial and Public Buildings

SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND STANDARDS FOR ABATEMENT

Section
855.300 Local Education Agency (LEA) Requirements
855.310 Procedures for School Inspections and Reinspections
855.325 Management Plan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

855.330 Operations and Maintenance
855.350 Submissions and Notices
855.360 Demolition of a School Building
855.370 Workplace Entry and Exit Procedures
855.380 Building Protection
855.390 Materials and Equipment
855.400 Work Area Preparation
855.410 Worker Decontamination Enclosure System
855.420 Remote Decontamination Enclosure System
855.425 Equipment Decontamination Enclosure System
855.430 Separation Barriers
855.440 Maintenance of Decontamination Enclosure Systems and Workplace Barriers
855.450 Commencement of Work
855.460 Removal Procedures
855.465 Cleanup Procedures
855.470 Clearance Air Monitoring and Analysis
855.475 Disposal Procedures
855.480 Glovebag Procedures
855.490 Response Contractor Indemnification Fund
855.500 Encapsulation Procedures for Schools
855.510 Enclosure Procedures for Schools
855.520 Reestablishment of the Work Area and HVAC Systems in Schools

SUBPART F: FINES, PENALTIES, ADMINISTRATIVE HEARINGS AND EMERGENCY STOP WORK ORDERS

Section
855.600 Adverse Licensure Action
855.610 Fines and Penalties
855.620 Administrative Hearings
855.630 Emergency Stop Work Orders for Commercial and Public Buildings
855.640 Emergency Stop Work Orders for Schools

APPENDIX A Illustration - Project Form
ILLUSTRATION A Worker and Equipment Decontamination Systems
APPENDIX B Illustrations - Inspection and Management Plan Forms
ILLUSTRATION A Building Inspection for Friable and Nonfriable Materials
ILLUSTRATION B Inspection Report Form
ILLUSTRATION C Sampling Area Diagram (Ceiling and Floor)
ILLUSTRATION D Sampling Area Diagram (Boiler Room)
ILLUSTRATION E Random Sampling Table
ILLUSTRATION F Irregularly Shaped Random Sampling Area
ILLUSTRATION G Regular Shaped Random Sampling Area
ILLUSTRATION H Protocol for Asbestos Management Plan
ILLUSTRATION I Outline for Asbestos Management Plan

AUTHORITY: Authorized by and implementing the Asbestos Abatement Act [105

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

SOURCE: Adopted at 9 Ill. Reg. 19052, effective November 29, 1985; amended at 10 Ill. Reg. 14800, effective September 12, 1986; emergency amendments at 12 Ill. Reg. 4357, effective February 5, 1988, for a maximum of 150 days; emergency expired July 4, 1988; amended at 13 Ill. Reg. 2768, effective February 16, 1989; amended at 13 Ill. Reg. 17029, effective November 1, 1989; emergency amendments at 14 Ill. Reg. 335, effective January 1, 1990, for a maximum of 150 days; emergency expired May 30, 1990; amended at 14 Ill. Reg. 172, effective July 20, 1990; old Part repealed, new Part adopted at 23 Ill. Reg. 4010, effective March 12, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 855.10 Incorporation by Reference-Federal Regulations and Other Standards

The following regulations and standards are incorporated in this Part:

a) Regulations and guidelines of federal agencies:

1) Occupational Safety and Health Administration, U.S. Department of Labor (OSHA), Occupational Safety and Health Standards - Asbestos; 29 CFR 1910.1001 (July 1, 1997).

2) OSHA, Occupational Safety and Health Standards - Respiratory Protection; 29 CFR 1910.134 (July 1, 1997).

3) Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants; 40 CFR 61 Subpart A (General Provisions) and Subpart M (National Emission Standards for Asbestos) (July 1, 1997).

4) USEPA, Asbestos; 40 CFR 763 - 40 CFR 763 Final Rule Effective December 14, 1987.

5) OSHA, Safety and Health Regulations for Construction - Asbestos; 29 CFR 1926.1101, revised June 29, 1998 ~~Final Rule Effective October 11, 1994~~.

6) USEPA, Asbestos; 40 CFR 763, Appendix C to Subpart E (Asbestos Model Accreditation Plan), revised April 4, 1994.

7) Guidance for Controlling Asbestos-Containing Materials in Buildings, Appendix J, EPA Report No. 560/5-85-024 (1985).

8) U.S. Environmental Protection Agency, Electron Microscope Measurement of Airborne Asbestos Concentrations, Report No. 600/2-77-178 (1978).

9) U.S. Environmental Protection Agency, Methodology for the Measurement of Airborne Asbestos by Electron Microscopy, Contract No. 68-02-3266 (1984).

10) National Institute of Occupational Safety and Health, Certified NIOSH Equipment List, Department of Health and Human Services Publication Number 92-101 (1991). Contract No. 68-02-3266 (1984).

b) Standards of nationally recognized organizations:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) National Electrical Code, 1993 Ed., National Fire Protection Association, Quincy, Mass. 02269.
2) Compressed Gas Association Commodity Specification, G-7.1 (1966).
3) American National Standard Practices for Respiratory Protection, ANSI Z88.2 (1980).
4) American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2 (1991).
5) National Institute of Occupational Safety and Health, Manual of Analytical Methods (Method 7400 - 1984).

c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART E: LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES AND STANDARDS FOR ABATEMENT

Section 855.450 Commencement of Work

The contractor shall not begin abatement work until the following requirements have been met:

a) Enclosure systems shall be constructed and tested.
b) All pre-abatement submissions, notifications, postings and permits shall be provided and are satisfactory to the project manager.
c) All equipment for abatement, cleanup and disposal shall be on hand.
d) All worker training and licensing shall be completed.
e) Arrangements shall be made for building security.
f) The number of clearance air samples and the specific sample locations shall be established in conjunction with the air sampling professional before abatement activity begins (see Section 855.470).
g) The contractor shall receive written permission from the building owner to commence abatement. Such written permission shall be submitted to the Department attached with the Notice of Asbestos Abatement Form provided by the Department.
h) The building owner shall notify all parents, faculty and staff of the pending abatement project and notify the contractor with written verification of such notification. Such written verification shall be submitted to the Department by the contractor attached to the Notice of Asbestos Abatement Form provided by the Department.
i) The contractor shall be responsible for providing personal protection for its employees according to the OSHA Construction Standard 29 CFR 1926.1101 ~~(effective October 11, 1994)~~.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Water Well Construction Code

2) Code Citation: 77 Ill. Adm. Code 920

3)

Section Numbers:	Proposed Action:
920.60	Amendment
920.70	Amendment
920.90	Amendment
920.120	Amendment
920.Illustration A	Amendment
920.Illustration B	Amendment
920.Illustration C	Amendment
920.Illustration D	Amendment
920.Illustration E	Amendment
920.Illustration F	Amendment
920.Illustration M	New

4) Statutory Authority: Illinois Water Well Construction Act [415 ILCS 30]

5) A Complete Description of the Subjects and Issues Involved: Section 920.60. Amends grouting requirements for drilled wells constructed in unconsolidated formations to specify the size of the annular space that exists around the well casing and the minimum grouting depth. The amendment requires the bore hole to be three inches greater than the outer diameter of the casing or the coupling. The current requirement is for a bore hole four inches greater than the inner diameter of the casing. This will allow a tremie pipe to be installed and allow additional space around the coupling to perform grouting. The amendment will require the casing to be grouted to a minimum depth of 60 feet or within 10 feet of the top of the screen when the top of the screen is less than 70 feet from ground level and all wells with less than 25 feet of casing grouted for a minimum of 15 feet from ground level. The current rule requires the entire length of casing to be gouted. To ensure adequate grouting of the upper casing, the amendment also requires an oversize bore hole to be constructed to a depth of between 10 to 20 feet when casing is installed by mechanically driving the casing.

Section 920.70. Amends grouting requirements for drilled wells constructed in consolidated formations to specify the size of the annular space that exists around the well casing and the minumum grouting depth. The amendment requires the bore hole to be three inches greater than the outer diameter of the casing or the coupling. Current rule requires a bore hole two inches greater than the inner diameter of the casing. This will allow a tremie pipe to be installed and provide additional space around the coupling to perform grouting. To ensure adequate grouting of the upper casing, the amendment also requires an oversize bore hole to be constructed to a depth of between 10 to 20 feet when casing is installed by mechanically driving the casing.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.90 The amendment moves plastic well casing joint requirements to the appropriate subsection. The amendment establishes the procedures to follow when grout is applied through the casing or by means of a tremie pipe and the requirement to add additional grout whenever grout settles below the ground or pitless adapter.

Section 920.120. Established procedures for sealing abandoned dug and bored wells. A large number of abandoned dug and bored wells are being sealed each year and the current rule does not specifically address such procedures. The amendment also establishes the procedures to follow when buried slab bored wells are sealed. When these procedures are followed, it is not necessary to remove the buried slab prior to sealing.

Section 920.Illustration A. Clarifies the drill hole size, grouting and minimum casing depth requirement for drilled wells with oversized drill holes in unconsolidated formation in accordance with Section 920.60 as amended.

Section 920.Illustration B. Clarifies the drill hole size and grouting requirements for drilled wells with mechanically driven casing in unconsolidated formations in accordance with Section 920.60 as amended.

Section 920.Illustration C. Clarifies the drill hole size requirement for drilled wells in unconsolidated formations utilizing gravel wall construction in accordance with Section 920.60 as amended.

Section 920.Illustration D. Clarifies the drill hole size and depth of casing requirements for drilled water wells constructed in creviced formations when the earth cover is less than 30 feet thick in accordance with Section 920.70 as amended.

Section 920.Illustration E. Clarifies the drill hole size and grouting requirements for drilled wells in creviced formations when the earth cover is over 30 feet thick in accordance with Section 920.70 as amended.

Section 920.Illustration F. Clarifies the drill hole size and grouting requirements for drilled wells with mechanically driven casing in creviced formations in accordance with Section 920.70 as amended.

Section 920.Illustration M. Establishes requirements for sealing abandoned buried slab bored wells. Previously, there were no procedures for sealing such wells in a practical manner.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

8) Does this rulemaking contain incorporations by reference? Yes 6.06(b)

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not require additional expenditures by units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield Illinois 62761
(217)782-2043

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Water well drillers.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Water well driller's license.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the most recent agendas were submitted.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 920
ILLINOIS WATER WELL CONSTRUCTION CODE

Section
920.10 Definitions
920.15 Incorporated or Referenced Materials
920.20 Scope
920.30 General Requirements
920.40 Design Factors
920.50 Location
920.60 Drilled Wells in Unconsolidated Formations
920.70 Drilled Well Construction in Consolidated Formations
920.80 Special Type Wells
920.90 Construction Materials and Other Requirements
920.100 Finishing and Testing
920.110 Modification of Wells
920.120 Abandoned Wells
920.130 Permit Requirements
920.140 Administrative Hearings
920.150 Designation of Agents of the Department
920.160 Issuance of Water Well Permits by Units of Local Government or Local Health Departments
920.170 Monitoring Wells
920.180 Closed-Loop Wells
920.190 Assurance of Potable Water Supply
TABLE A Steel Casing and Liner Pipe Weights and Dimensions
TABLE B Plastic Casing and Liner Pipe Specifications
ILLUSTRATION A Unconsolidated Formations: Oversized Drill Hole
ILLUSTRATION B Unconsolidated Formations: Mechanically Driven Casing
ILLUSTRATION C Gravel Pack Construction
ILLUSTRATION D Creviced Formations: Earth Cover Less Than 30 Feet Thick
ILLUSTRATION E Creviced Formations: Earth Mantle Cover Over 30 Feet Thick - Oversized Drill Hole
ILLUSTRATION F Creviced Formations: Earth Cover Over 30 Feet Thick - Mechanically Driven Casing
ILLUSTRATION G Bored or Drug Well - Well Not Finished With Buried Slab
ILLUSTRATION H Bored or Dug Well - Buried Slab Construction
ILLUSTRATION I Installation of a Driven Well
ILLUSTRATION J Sealing an Abandoned Well - Extending into a Creviced Formation
ILLUSTRATION K Sealing an Abandoned Dug or Bored Well
ILLUSTRATION L Sealing an Abandoned Well Extending into More Than One Water Bearing Formation
ILLUSTRATION M Sealing an Abandoned Buried Slab Bored Well

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Illinois Water Well Construction Code [415 ILCS 30].

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p.35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9633, effective August 1, 1983; amended at 12 Ill. Reg. 2990, effective January 13, 1988; amended at 13 Ill. Reg. 11796, effective July 1, 1989; amended at 14 Ill. Reg. 228, effective January 1, 1990; amended at 14 Ill. Reg. 14871, effective September 1, 1990; amended at 15 Ill. Reg. 18188, effective January 1, 1992; amended at 18 Ill. Reg. 17684, effective November 30, 1994; amended at 22 Ill. Reg. 3973, effective April 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 920.60 Drilled Wells in Unconsolidated Formations

a) General. Unconsolidated formations such as sand and gravel may extend to or near the ground surface. Generally, however, they lie below the ground surface at varying depths and are covered by an overburden of earth. The kind, nature and depth of the overburden are factors in determining how a well shall be constructed.

b) Unconsolidated Formations.

1) When wells are constructed in unconsolidated formations, a casing shall be installed the entire depth of the formation. Such wells shall have a minimum of 20 feet of permanent casing. ~~Wells constructed in unconsolidated formations shall have a minimum of 20 feet of permanent casing installed.~~ When an oversized drill hole is constructed for the installation of the casing, the diameter of the drill hole shall be a minimum of 3 ~~4~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater. The termie pipe shall be installed when the casing is installed. The casing shall be grouted to a minimum depth of 60 feet, or within 10 feet below the top of the screen when the top of the screen is less than 70 feet below ground level. All wells with less than 25 feet of casing shall be grouted for a minimum of 15 feet below ground level. If plastic well casing is installed, it shall be installed as required in Section 920.90(g). After the casing is installed, the annular space shall be grouted as provided in Section 920.90(h). (See Illustration A.)

2) When the casing is installed by mechanically driving the casing, ~~granulated bentonite shall be mounded around the casing while it is being driven or~~ an oversized hole shall be constructed to a depth of at least 10 but not more than 20 feet ~~sufficient~~ to allow removal of the drive nipple and installation of a joint of casing. While the casing is being driven, the bottom of the oversized hole shall be filled with granulated bentonite or natural clay mixture. After the casing is installed, the annular space that exists around the well casing shall be either grouted as required in Section 920.90(h) or, when the diameter of the oversized hole is a minimum of 3 ~~4~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, the annular space that exists around the well casing can be filled with natural clay. (See Illustration B.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

c) Gravel Pack Construction. When an over-sized drill hole is constructed to permit the placement of a gravel pack around the well screen, the diameter of the drill ~~drilled~~ hole shall be a minimum of 3 ~~4~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater. The annular opening between the casing and drill hole shall be grouted in accordance with Section 920.90(h). If a permanent outer casing is installed, it shall extend to a depth of at least 20 feet and the annular opening between the drill hole and the outer casing shall be grouted in accordance with Section 920.90(h). The annular opening between inner and outer casings shall be sealed at the top of the casing. The seal shall be made in such a manner as to prevent water or contaminants from entering the annular space between the inner and outer casing. If plastic well casing is installed, it shall be installed as required in Section 920.90(g). (See Illustration C.)

1) All gravel placed in the well shall be clean, washed and disinfected prior to placement or provisions made for disinfection in place.

2) Gravel refill pipes may be installed if they terminate above ground surface and are provided with watertight caps.

3) Wells designed for placement of an artificial gravel pack shall be provided with an adequate screen having openings sized on the basis of the grain size of the gravel. The well shall be developed to insure free entry of water without sediment.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 920.70 Drilled Well Construction in Consolidated Formations

a) Creviced Formations - Drift or Earth Cover Less Than 30 Feet. A creviced or cracked formation, which is the upper bedrock formation and is overlain by a mantle of earth having a thickness less than 30 feet, shall be used as a source of groundwater supply when constructed by one of the following methods:

1) Where the drift or earth cover is less than 30 feet in thickness, the well casing shall extend to a depth of at least 40 feet below ground level. The diameter of the drill hole shall be a minimum of 3 ~~two~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater. The annular space shall be pressure grouted as provided for in Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

2) Where the well is drilled to obtain water from a lower formation the casing shall extend at least through the creviced formation and be seated in firm rock. The diameter of the drill hole through the creviced formation shall be a minimum of 3 ~~two~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater. The annular space shall be pressure grouted as provided in Section 920.90(h). When an outer casing is left in place, the annular space between the casings shall be pressure grouted and the annular opening around the outer casing shall be grouted in accordance with Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g). (See Illustration D.)

b) Drift or Earth Cover Over 30 Feet in Thickness.

1) When an oversized drill hole is constructed for the installation of the casing, the diameter of the drill hole shall be a minimum of 3 ~~two~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater. The tremie pipe shall be installed when the casing is installed and casing grouted to a minimum depth of 60 feet. When the casing is less than 60 feet, the entire length of casing shall be grouted. When grout is pumped into the annular space through the inside of the casing, the diameter of the drill hole shall be a minimum of 2 inches greater than the outer diameter of the casing or coupling, whichever is greater. If plastic well casing is installed, it shall be installed as required in Section 920.90(g). After the casing is installed, the annular space shall be grouted as provided for in Section 920.90(h). (See Illustration E.)

2) When the casing is installed by mechanically driving the casing, ~~granulated bentonite shall be mounded around the casing while it is being driven or~~ an oversized hole shall be constructed to a depth of at least 10 but not more than 20 feet ~~sufficient~~ to allow the removal of the drive nipple and installation of a joint of casing. While the casing is being driven, the bottom of the oversized hole shall be filled with granulated bentonite or natural clay mixture. After the casing is installed, the annular space that exists around the well casing shall be either grouted as required ~~provided for~~ in Section 920.90(h) or, when the diameter of the oversized hole is a minimum of 3 ~~4~~ inches greater than the outer ~~inner~~ diameter of the casing or coupling, whichever is greater, the annular space that exists around the well casing can be filled with natural clay. (See Illustration F.)

c) Flowing Artesian Well. Initial drilling operations shall extend into but not through the formation confining the water. The casing shall be installed and the annular opening between drill hole and casing shall be pressure grouted in accordance with Section 920.90(h). If plastic casing is installed, it shall be installed in accordance with Section 920.90(g). The hole shall then be extended into the artesian

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

formation. Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding to the artesian head.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 920.90 Construction Materials and Other Requirements

a) Casing and Liner Pipe. In selection of casing and liner pipe, consideration shall be given to the stress to which the pipe will be subjected during construction and the corrosiveness of the water with which it comes in contact. Used or reject pipe shall not be used.

1) Steel well casing shall meet one of the following standards: American Society For Testing Materials (ASTM) A-53-93A or B, A-589-93, or American Petroleum Institute 5L, March, 1982 Edition and conform to the minimum standards given in Table A.

2) Plastic well casing and liners shall meet the requirements of ASTM Standard F480-94 and the NSF International Standard Number 14-1990, Plastic Piping System Components and Related Materials. Evidence of compliance shall be inclusion in the current NSF listing and display of the NSF seal on each section of casing, and marking the casing in accordance with the requirements of ASTM Standard F-480-94.

3) Plastic well casing and liners must be Standard Dimension Ratio (SDR) rated and conform to the minimum requirements given in Table B.

b) Outer Casing. Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth and shall be removed upon completion of the well.

c) Joints. All casing and liner pipe joints shall be watertight. When the water well casing is to be extended, the joint shall be a threaded coupling or welded if the casing is metal, or the joint shall be solvent welded if the casing material is plastic. When plastic well casing is installed, the pipe spigot and socket shall be cleaned and treated with a cleaner primer. A pressurized connection shall be used when steel casing is used to extend plastic casing when the connection is within 20 feet of the ground surface. Other types of joints may be evaluated and approved by the Department.

d) Screens. Screen openings shall provide the maximum amount of open area consistent with strength of screen and the grading of the water bearing formation or gravel pack. The openings shall permit maximum transmitting ability without clogging or jamming. Screens shall be made of non-corrosive material.

e) Drive Shoe. Pipe that is to be driven shall be equipped with a drive shoe.

f) Grouting Guides. Casing that is to be pressure grouted in the drill hole or annular opening shall be provided with a centering shoe and shall have sufficient guides or centralizers to permit the unobstructed flow and deposition of the thickness of grout specified.

g) Plastic Casing Installations. ~~When plastic well casing is installed, the pipe spigot and socket shall be cleaned and treated with a cleaner primer. Other types of joints may be evaluated and approved by the Department.~~ There shall be no penetrations through the inner casing. A formation packer shall be installed just above the bottom of the casing. A coupling shall be cemented on the bottom of the casing to stabilize it in the hole. A steel nipple 5 to 10 feet long may be used on the bottom of the casing in lieu of the coupling. In rock wells, the casing shall be set into the firm rock a minimum of 3 feet to prevent leaking around the end of the casing. In areas where the water is obtained at the rock surface, the casing shall be set just above the rock.

h) Grouting. Procedures and materials for grouting shall be as follows:

1) Grout. Grout shall be bentonite grout, or neat cement grout as described in Section 920.10.

2) Application. When grouting through the inside of the casing, the ~~All~~ grouting shall be performed so that the grout fills ~~is placed from the bottom of~~ the annular opening ~~upward until the annular opening is filled or to the point of pitless adapter attachment~~ from the bottom to the surface. When grouting through a tremie pipe that is installed in the annular space, grout shall be pumped through the tremie pipe until grout completely fills the annular space at the surface. Bentonite, aquajel, or similar materials may be added to the annular opening in the manner indicated for grouting, prior to the cement grouting, to seal any small crevices or fissures and assure that the annular space is open. If the grout settles below the ground surface or the point of pitless adapter attachment, it is the responsibility of the water well contractor who constructed the well to grout from the depth of settling to the surface or the point of pitless adapter attachment. If the grout has settled, the annular space shall be grouted as required in Section 920.90(h). When the grout has settled less than 20 feet, the annular space can be grouted with bentonite chips.

3) Setting Time. Drilling operations shall not be resumed until the cement grout has set. Neat cement grout shall set for at least 48 hours. Setting time may be reduced from 48 hours by addition of manufacturers' approved chemicals and following manufacturers' recommendations for setting time. Bentonite grout shall set for a minimum of 1 hour from the start of placement of the grout at the bottom of the annular opening by Tremie Method or 1 hour after completion of grouting by other methods.

i) Plumbness and Alignment. The bore of the hole shall be sufficiently plumb and straight to receive the casing without binding. The casing shall be sufficiently plumb and straight so it will not interfere with installation and operation of the pump.

j) Construction Water. Water used in the drilling process shall be obtained from a source which will not result in contamination of the well. All such water shall be treated so as to maintain a free chlorine residual as an extra precaution.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 920.120 Abandoned Wells

a) Abandonment of Wells.

1) The owner of a water well, boring, or monitoring well shall assure that such well is sealed within 30 days after it is abandoned and when the well is no longer used to supply water or is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety. The Department shall grant an extension of this time provided the owner submits a written request to the Department indicating the reasons for the request and an estimate of time in which the well will be either sealed or reused. In granting an extension, the Department must be assured that applicable protective measures will be taken and the methods and materials will be in compliance with the Act and this Part. Applicable protective measures may include ensuring that sources of contamination are down grade from the water source, ensuring isolation of the potential source of contamination in such a manner as to prevent a route of contamination of the ground water, or isolating the potential source of contamination to prevent accidental introduction of contaminants into ground water.

2) Water wells shall be sealed by a licensed water well driller pursuant to the Water Well and Pump Installation Contractor's License Act. An individual who is not so licensed may seal a well, provided the well is located on land which is owned or leased by such individual and is used by such individual for farming purposes or as such individual's place of abode and provided a request is made to the Department or local health department prior to the commencement of sealing indicating how the water well is to be sealed and the materials to be used. The Department or local health department shall grant approval when requested prior to the commencement of sealing if the methods and materials are in compliance with this Section.

b) Sealing Requirements. Where geologic data does not exist for a particular abandoned drilled water well, such water well shall be sealed, from the bottom up to where the well casing is removed, with neat cement grout or any bentonite product manufactured for water well

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

sealing. Water wells, borings, or monitoring wells which are abandoned shall be disinfected by introducing a sufficient amount of chlorine to produce 100 parts per million of chlorine in the water in the well and shall be sealed by placing the sealing materials from the bottom of the well to the surface by methods that will avoid segregation or dilution of material in accordance with the following requirements:

1) Non-creviced, Consolidated formations. Wells extending into non-creviced sandstone, or other water bearing consolidated formations shall be sealed by filling the well with disinfected clean pea gravel or limestone chips to within 10 feet below the top of the water bearing formation or to within 10 feet of the bottom of the casing, whichever is less. Neat cement grout or any bentonite product manufactured for water well sealing shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. (See Illustration J.)

2) Creviced formations. Wells extended into creviced formations shall be sealed by filling with disinfected clean pea gravel or limestone chips to within 10 feet below the top of the water bearing formation or to within 10 feet below the bottom of the casing whichever is less. Neat cement grout or any bentonite product manufactured for well sealing shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. Where the earth cover is less than 30 feet, the hole shall be grouted from 10 feet below the creviced formation to where the well casing is removed. (See Illustration J.)

3) Unconsolidated formations. In the event the water bearing formation consists of coarse gravel and producing wells are located nearby, the well shall be sealed by filling with disinfected clean pea gravel or limestone chips to 10 feet below the top of water bearing formation. Neat cement grout or any bentonite product manufactured for water well sealing shall be placed for a minimum of 20 feet above this point. The upper part of the well to where the well casing is removed shall be sealed by neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. Abandoned dug and bored wells with casing extending from the bottom to the surface shall be sealed by filling with disinfected clean pea gravel or limestone chips to within 20 feet below the top of the casing. The upper part of the well to where the well casing is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

removed shall be sealed for a minimum of 20 feet by filling with neat cement grout, any bentonite product manufactured for water well sealing, or impervious material such as clay. Concrete or cement may be used for such sealing, provided the upper part of the well is dry. Abandoned dug or bored wells with casing extending from the bottom to the surface ~~extending--only--into unconsolidated--formations-near-the-surface~~ can also be sealed by completely filling with concrete, cement grout, or impervious material such as clay. (See Illustration K.)

4) More than one water bearing formation. Where wells extend into more than one water bearing formation, each water bearing formation shall be sealed independently in the manner described in this Section. Neat cement grout or any bentonite product manufactured for water well sealing shall be placed a minimum of 10 feet above and below at all intermittent water bearing formations except artesian wells and artesian formations. Disinfected clean pea gravel or limestone chips shall be placed in each water bearing formation between plugs. When the lower formation has an upflow of water into the upper formation, a pressure seal is required to shut off the upflow while a neat cement plug at least 50 feet in length is pumped in place and allowed to set. The upper part of the well to where the well casing is removed shall be sealed with neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing provided the upper part of the well is dry. (See Illustration L.)

5) Artesian wells. In such wells, a cement retainer shall be used with pressure grouting equipment utilized to place cement grout. Neat cement grout bentonite or aquajel from 2% to 6% by dry weight shall be placed for a minimum of 10 feet below and 10 feet above the water bearing formation. The upper part of the well to where the well casing is removed shall be filled with neat cement grout or any bentonite product manufactured for water well sealing. Concrete or cement may be used for such sealing, provided the upper part of the well is dry.

6) Buried slab bored wells. Such wells shall be sealed by filling with disinfected clean pea gravel or limestone chips to within one foot below the buried slab. The upper part of the well to where the casing is removed shall be sealed with neat cement or any bentonite product manufactured for water well sealing.

7) In lieu of filling the well with disinfected clean pea gravel or limestone chips as required in subsections (b)(1) through (6) ~~(5)~~ of this Section, wells may be sealed by grouting from the bottom up by using neat cement grout or any bentonite product manufactured for water well sealing. This material shall be applied the full depth of the well and shall terminate within 2 feet of the ground surface. Concrete grout may be used in the upper part of the well, provided the upper part of the well is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

dry.

c) Non-Producing well. Where a water well is drilled and a water bearing formation is not located, the water well shall be filled with clay, or neat cement containing bentonite, aquajel or similar materials from 2% to 6% by weight, or pure bentonite in any form by the water well driller not more than 10 calendar days after the well has been drilled.

d) The well casing or liner shall be removed to at least 2 feet below final grade, except where the well terminates with a concrete slab which is part of a building floor. Where the well terminates in a slab which is part of a building floor, the sealing material shall be placed flush with the floor. The pump and drop pipe shall be removed.

e) Notification.

1) The Department, approved local health department, or approved unit of local government shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to seal a water well or monitoring well.

2) When a water, boring or monitoring well is sealed, a sealing form shall be submitted to the Department or approved local health department by the individual performing the sealing not more than 30 days after the well is sealed. The following information shall be submitted on forms provided by the Department:

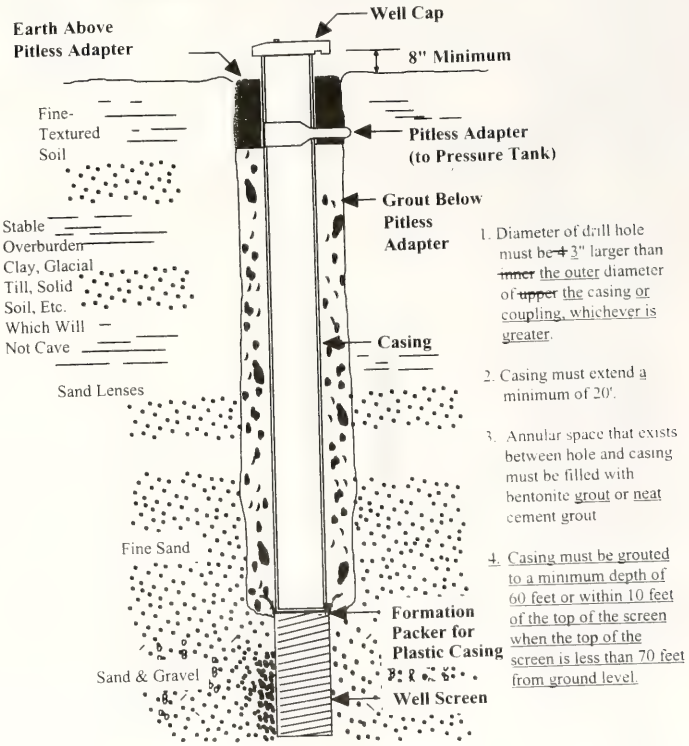
A) the date the water, boring or monitoring well was drilled;
B) depth and diameter of the water, boring or monitoring well;
C) location of the water, boring or monitoring well;
D) type of sealing method used;
E) original water well permit number if available;
F) date the water, boring or monitoring well was sealed;
G) type of water well (bored, dug, driven or drilled);
H) whether the formation is clear of obstructions;
I) casing record (explanation of the required removal); and
J) water well driller's license number and name.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION A Unconsolidated Formations: Oversized Drill Hole



DEPARTMENT OF PUBLIC HEALTH

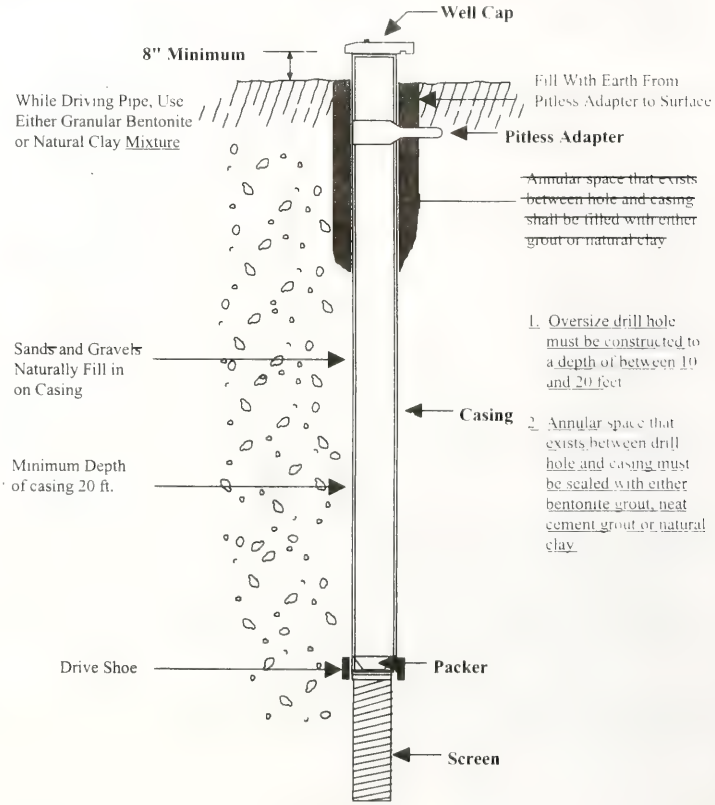
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION B Unconsolidated Formations: Mechanically Driven Casing



DEPARTMENT OF PUBLIC HEALTH

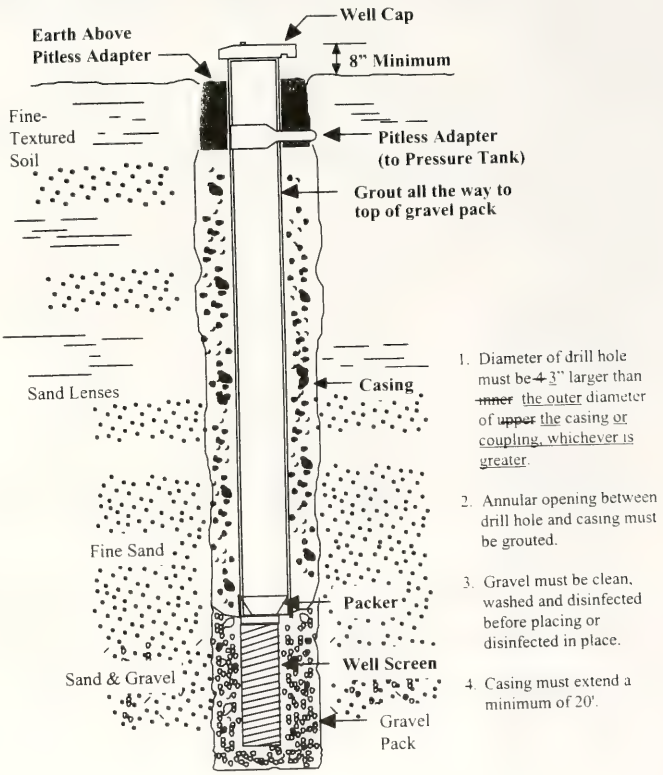
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION C Gravel Pack Construction



1. Diameter of drill hole must be ~~4~~ 3" larger than ~~inner~~ the outer diameter of ~~upper~~ the casing or coupling, whichever is greater.

2. Annular opening between drill hole and casing must be grouted.

3. Gravel must be clean, washed and disinfected before placing or disinfected in place.

4. Casing must extend a minimum of 20'.

DEPARTMENT OF PUBLIC HEALTH

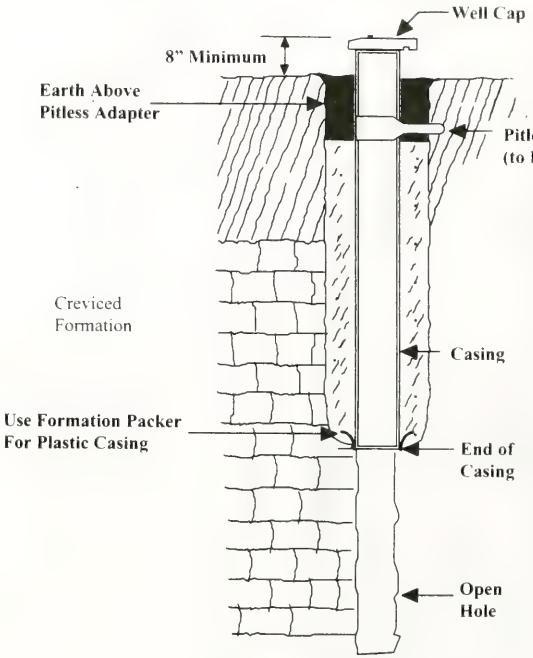
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION D Creviced Formations: Earth Cover Less Than 30 Feet Thick



DEPARTMENT OF PUBLIC HEALTH

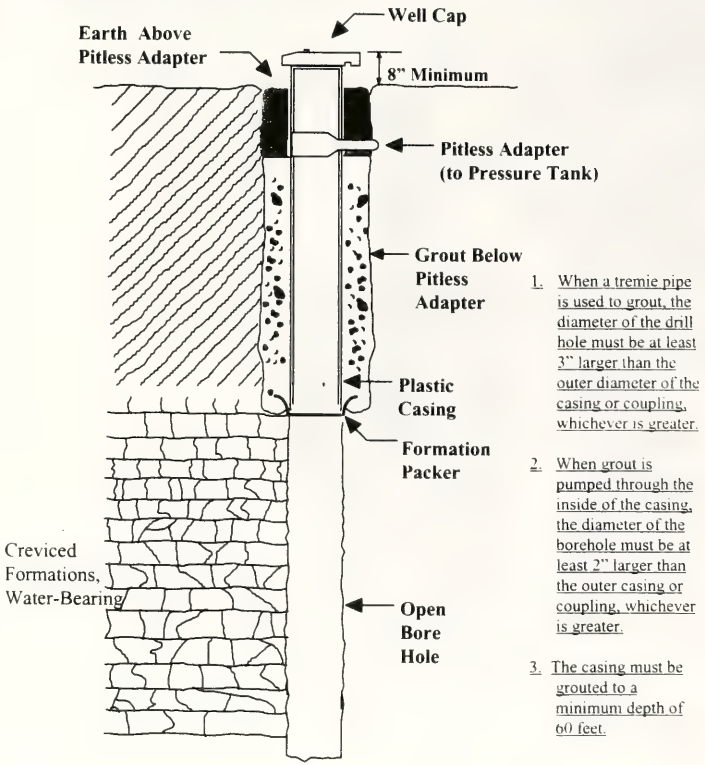
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION E Creviced Formations: Earth Mantle Cover Over 30 Feet Thick - Oversized Drill Hole



1. When a tremie pipe is used to grout, the diameter of the drill hole must be at least 3" larger than the outer diameter of the casing or coupling, whichever is greater.

2. When grout is pumped through the inside of the casing, the diameter of the borehole must be at least 2" larger than the outer casing or coupling, whichever is greater.

3. The casing must be grouted to a minimum depth of 60 feet.

DEPARTMENT OF PUBLIC HEALTH

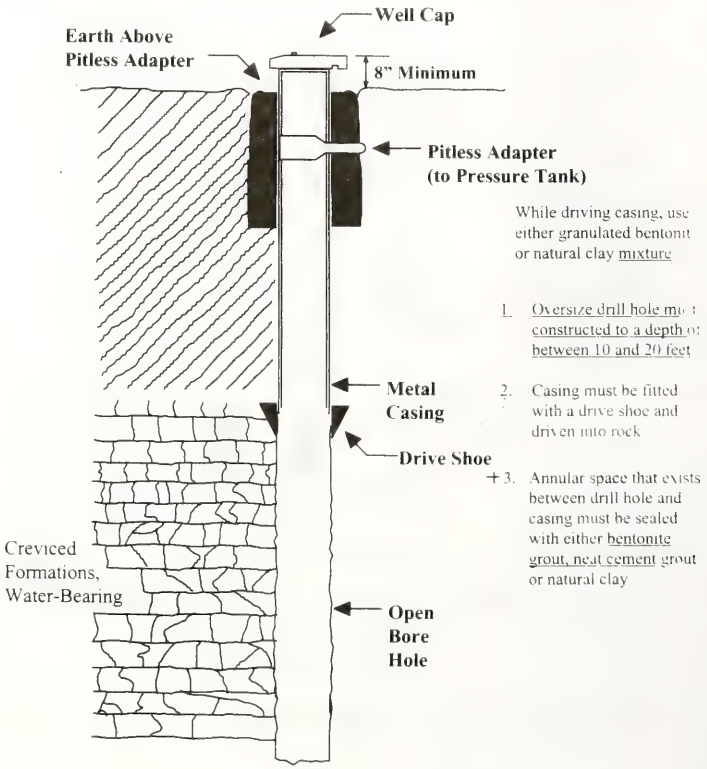
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION F Creviced Formations: Earth Cover Over 30 Feet Thick - Mechanically Driven Casing



DEPARTMENT OF PUBLIC HEALTH

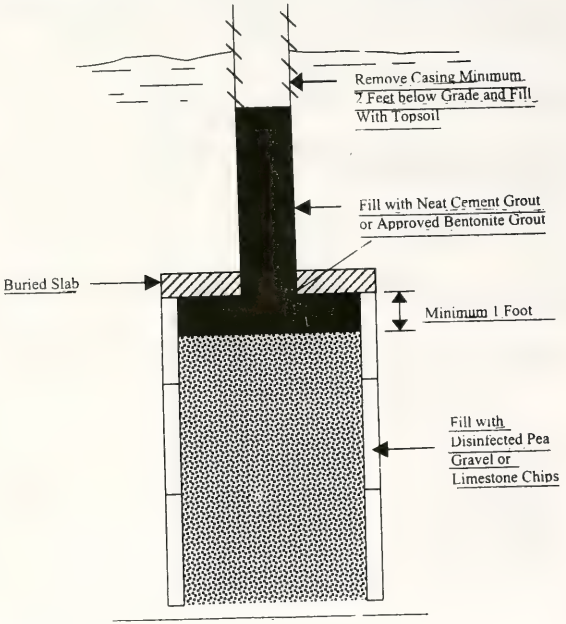
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 920.ILLUSTRATION M Sealing an Abandoned Buried Slab Bored Well



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

(Source: Added at 23 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 5200

3) Section Number(s): 5200.10 — Adopted Action: Amendment

4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01].

5) Effective Date of Amendment: August 16, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: This is a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act and, therefore, does not require 1st Notice publication.

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary. This is a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of this amendment: Section 5200.10 is being amended to incorporate the new telephone number of the Authority's office.

16) Information and questions regarding this adopted amendment shall be directed to:

Thomas P. Conley
Executive Director

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

Illinois Educational Facilities Authority
120 South Riverside Plaza, Suite 1200
Chicago, Illinois 60606
312/876-7809

The full text of the adopted amendment begins on the next page:

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER IX: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 5200
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5200.10 Public Information and Submissions

SUBPART B: RULEMAKING

Section
5200.100 Applicability of Rulemaking Rules
5200.110 Adoption, Amendment and Repeal of Rules
5200.120 Compliance with the Illinois Administrative Procedure Act

SUBPART C: ORGANIZATION

Section
5200.200 Authority to Make Rules
5200.210 Applicability of General Rules
5200.220 Definitions
5200.230 Organization of the Authority
5200.240 Meetings of the Authority

APPENDIX A By-Laws of the Illinois Educational Facilities Authority

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01].

SOURCE: Public Information and Submissions of the Illinois Educational Facilities Authority adopted July 8, 1971; codified at 8 Ill. Reg. 12890; amended at 8 Ill. Reg. 16294, effective August 23, 1984; amended at 9 Ill. Reg. 11816, effective July 23, 1985; amended at 10 Ill. Reg. 13649, effective August 4, 1986; amended at 13 Ill. Reg. 7902, effective May 15, 1989; amended at 19 Ill. Reg. 7335, effective May 23, 1995; amended at 23 Ill. Reg. 5683, effective April 30, 1999; amended at 23 Ill. Reg. 10142, effective AUG 16 1999.

SUBPART A: PUBLIC INFORMATION

Section 5200.10 Public Information and Submissions

The public may direct submissions and inquiries to the Authority and may obtain

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

information concerning the Authority, its programs, and activities from the office of the Authority, 120 South Riverside Plaza, Suite 1200, Chicago, Illinois 60606, (312 876-7809 6009). Copies of the Authority's Rules and By-laws may be obtained from the office of the Authority upon request, in person or in writing, and upon payment of a reasonable fee for reproduction.

(Source: Amended at 23 Ill. Reg. 10142, effective AUG 16 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Admission Procedures

2) Code Citation: 89 Ill. Adm. Code 755

3)

Section Numbers:	Adopted Action:
755.5	New Section
755.10	Amendment
755.15	New Section
755.20	Amendment
755.22	Amendment
755.25	Amendment
755.27	New Section
755.30	Amendment
755.40	Amendment
755.50	Amendment
755.60	Repealed
755.70	Repealed
755.80	Repealed
755.90	Amendment
755.100	Amendment
755.230	Repealed
755.240	Repealed
755.250	Repealed
755.260	Repealed

4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11 and 13].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16700

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This Part adds new language regarding capacity, admission and application process.

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

The full text of adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 755
ADMISSION~~, SUSPENSION, EXPULSION AND DISCHARGE~~ PROCEDURES

Section

755.5 Determination of Capacity
755.10 Eligibility for Specialized Services
755.15 Residential Placement
755.20 Application for Admission
755.22 Wards of the Department of Children and Family Services
755.25 The Application Process ~~Components of an Application~~
755.27 The Admissions Process
755.30 Admission of Students with Hearing Impairments
755.40 Admission of Blind, Visually Impaired or Deaf-Blind Students
755.50 Admission of Students with Severe Physical and Health Impairments
755.60 Admissions Review Committee (Repealed)
755.70 Meetings of the Admissions Review Committee (Repealed)
755.80 Representatives to be Present (Repealed)
755.90 Outcome of Application for Admission (Repealed)
755.100 Development of the IEP
755.110 Wards of the Department of Children and Family Services (Repealed)
755.120 Components of an Application (Repealed)
755.130 Submission of Applications (Repealed)
755.140 Admissions Review Committee (Repealed)
755.150 Meetings of the Admissions Review Committee (Repealed)
755.160 Representatives to be Present (Repealed)
755.170 Outcome of Application for Admission (Repealed)
755.180 Multidisciplinary Staffing (Repealed)
755.190 Parent Participation in IEP (Repealed)
755.200 IEP (Repealed)
755.210 Diagnostic Period (Repealed)
755.220 Outcome of the Evaluation (Repealed)
755.230 Discharge (Repealed)
755.240 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (Repealed)
755.250 Interim Services (Repealed)
755.260 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others (Repealed)

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitiation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 14370; amended at 12 Ill. Reg. 13971, effective August 19, 1988; amended at 15 Ill. Reg. 18243, effective December 10, 1991; amended at 20 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 15321, effective November 14, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10146, effective AUG 10 1999.

Section 755.5 Determination of Capacity

Annually, each superintendent shall determine the State School's ability to serve additional students based on the number of students currently enrolled in each division of the State School, the availability of funds, classroom and dormitory space, programs and staffing.

(Source: Added at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.10 Eligibility for Specialized Services

Individuals may be eligible for specialized services offered by the State Schools at ages younger than those specified for enrollment in each respective State School, when it is determined such services are appropriate to the needs of younger children. Inquiries regarding eligibility are made directly to each State School. These specialized services may include, but are not limited to:

a) Preschool institutes and educational programs.
b) Training programs for parents and/or preschoolers.
c) Assessment and evaluation programs.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.15 Residential Placement

The process of determining whether residential placement for educational purposes is necessary shall be made on an individual basis. Placement shall be based on recent diagnostic assessments and other pertinent information indicating that the applicant is so severely disabled that his or her educational needs cannot be met in a less restrictive environment or that the applicant needs additional opportunities for acquiring communication, social, and other basic living skills that are not available in a less restrictive environment.

(Source: Added at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.20 Application for Admission

a) Application for admission can be made at any time.
b) A pre-application visit to the State School by the parents ~~or--legal guardian(s)--(hereinafter--"parent")~~ and student is required ~~encouraged~~.
c) The State School superintendent ~~facility-administrator~~ shall furnish

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the local school district ~~of-student/parental--residence--(hereinafter "district")~~ and the parents with admission forms required by the Department of Human Services (DHS).
d) DHS recommends that the local school district coordinate the collection, completion, and submission of all application information, including that required of the parents. In some instances (e.g., a request from the local school district), a staff person from the appropriate ~~a--DHS~~ State School may assist in obtaining the required information. All applications for admission to one of the ~~a~~ State Schools ~~School~~ shall be signed by the child's parents.
e) When an inquiry regarding the admission of a student is received from sources other than a local school district, a "Notification of Inquiry" (IL 488-0726) (Notification) shall be sent within 10 working days to the district. A copy of the Notification shall be sent to the person(s) originating the inquiry and the parent.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.22 Wards of the Department of Children and Family Services

If a student is a ward of the Department of Children and Family Services (DCFS), the Director of DCFS shall designate a staff member to act on behalf of the student with the appropriate local school district when applying for admission to the State Schools and for all other programs. DHS shall cooperate with the ~~Illinois~~ State Board of Education (ISBE) and DCFS in the provision of placement, supervision and foster care of children with disabilities ~~handicaps~~ who must leave their home community in order to attend State Schools ~~schools~~ offering programs in special education.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.25 The Application Process ~~Components of an Application~~

a) Application to a State School can be made in one of the following ways:
   1) by the local school district; or
   2) in the case of the Illinois School for the Deaf (ISD) or the Illinois School for the Visually Impaired (ISVI), if a parent disagrees with the placement option of the district after the Multidisciplinary Conference (MDC) and Individualized Education Program (IEP) are completed, the parent may apply directly to ISD or ISVI; however, placement of school district referrals shall be given priority over placement of these applicants. ISD or ISVI shall notify in writing or by telephone the local school district within 15 days after receipt of an application from a parent. If resources (classroom and dormitory availability, staff to student

ratio and commodities) are sufficient, applications by parents shall be considered at ~~quarterly~~ admission meetings ~~(89 Ill. Adm. Code 755.70)~~.

b) The following shall be submitted to the ~~facility administrator of the~~ State School at the time of application:

1) Application. (IL 488-2126)

2) A copy of the student's most recent MDC Case Study Evaluation (CSE) and IEP ~~Report~~ developed by the local school district or a copy of the Hearing Officer's decision from an appeal pursuant to 89 Ill. Adm. Code 828 ~~800~~.

3) A letter from the education official of the local school district formally referring the student for educational placement. If the provisions in subsection (a)(2) above apply, a letter shall not be required from the local school district. However, a letter from the parent formally requesting admission to the State School is required.

4) The student's medical history, including a current detailed immunization record, and family history of hearing loss, visual impairment, congenital/physical and health problems, and any motor, speech, or self-care limitations the student may possess.

5) Appropriate medical examinations:

A) Either a current general physical examination or a Certificate of Child Health Examination (Department of Public Health form 001.2) completed within one year prior to application.

B) Applicants to ISD must submit an otological or an audiological examination report that demonstrates a severe to profound hearing loss for which the student requires a variety of academic and related service interventions.

C) Applicants to ICRE-R must submit a medical examination report from the Division of Specialized Care for Children or medical documentation of disability from a licensed physician. All documentation must show that the applicant has a severe to profound disability for which the student requires a variety of academic and related service interventions~~, if available~~.

D) Applicants to ISVI must submit an ophthalmological or optometric examination report that shows a severe to profound visual loss for which the student requires a variety of academic and related service interventions.

E) All students six years of age or younger must submit a lead blood level screening report prior to admission as required by the Department of Public Health (77 Ill. Adm. Code 665.140(f)).

~~6) The student's most recent case study evaluation including all components required by 23 Ill. Adm. Code 226.535. If the evaluation is more than three years old, the State School will either request the district to conduct and submit a current case study evaluation or make arrangements for a case study evaluation to be conducted at the State School prior to the student being considered for admission.~~

6)~~7)~~ Other educational, medical, and social reports and documents as may be necessary or required by law for the application process (e.g., guardianship papers, ~~and~~ birth certificate).

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.27 The Admissions Process

a) When the information required by Section 755.25 of this Part has been received, the State School may request the following to determine a student's eligibility for admission:

1) if additional documentation is needed, the parents shall be requested to sign a release of information for the purpose of obtaining the additional documentation;

2) if additional documentation is not available, the State School may authorize additional evaluations, with parental permission, to determine the State School is the appropriate placement for the student.

b) When it appears that all of the necessary information required for admission has been received, the superintendent's designee shall convene a meeting to determine eligibility. The meeting shall include representatives of DHS and LEA staff, educational and dormitory representatives, medical personnel, the parents, the student and any other individual deemed necessary by the superintendent. The purpose of this meeting shall be to review all of the required application information and:

1) make a request for additional information, if deemed necessary; or

2) recommend to the superintendent that the student be granted admission; or

3) recommend to the superintendent that the student be admitted on a trial evaluation; or

4) recommend to the superintendent that the student be denied admission.

c) A trial evaluation shall be used when, after receipt of all necessary information, there remains a question as to whether the State School is an appropriate setting for the student. A trial evaluation shall be used for up to one semester. If, at the end of the trial evaluation, it remains unclear as to the appropriateness of the State School for the student, a second trial evaluation may be granted for up to an additional semester. The anticipated time frame of the trial evaluation will be established by the State School, parents, local school district and student prior to beginning the evaluation. The trial evaluation is not an admission to the State School. The results

of the evaluation shall determine admission. At the conclusion of the trial evaluation, the State School, parents, student and local school district shall discuss whether admission to the State School is appropriate.

d) The superintendent shall send written notification within 15 working days following the meeting. Notification shall be sent to the parent and the local school district regarding the outcome of the application for admission. For students accepted, the letter shall contain such information as the date of planned admission and any special considerations or expectations. This letter may also include the information regarding an acceptance on a trial evaluation. Students accepted will be enrolled as soon as possible, but no later than the beginning of the next semester, provided space is available. For students denied admission, the superintendent shall furnish to the applicant's parent(s), the local school district, and ISBE a written statement detailing the reasons for the denial, including, but not limited to, the types of related aids and services the child needs and the reasons the State School cannot provide those aids and services. The statement shall also notify the parent(s) of his/her right to appeal this decision to the superintendent.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.30 Admission of Students Who are Deaf and Hard of Hearing ~~with Hearing Impairments~~

The Superintendent of ISD shall admit students between the ages of three and 21 ~~twenty-one~~, whose primary disability is deafness or hard of hearing, if space is available, when it has been determined through an application and evaluation process that ISD can provide an appropriate program and the student is an Illinois resident who can meet the following criteria:

a) has been diagnosed by a qualified otologist licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or

b) has been diagnosed, by a qualified audiologist licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act of 1987 [225 ILCS 110], as being deaf or hard of hearing ~~having a hearing impairment~~, including those with secondary disabilities~~,~~ listed in ~~in accordance with~~ 89 Ill. Adm. Code 765.10(d).

In addition, the Superintendent may make both outreach and center based services available to infants who are deaf and hard of hearing ~~with hearing impairments~~ between the ages of birth to three ~~if funds are available to provide such services~~.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.40 Admission of Students who are Blind or Visually Impaired ~~Blind~~,

~~Visually Impaired or Deaf Blind Students~~

The Superintendent of the Illinois School for the Visually Impaired (ISVI) shall admit students whose primary disability is blindness or visual impairment between the ages of five and 21 ~~twenty-one~~, if space is available, when it has been determined through an application and evaluation process that ISVI can provide an appropriate program, and the student is an Illinois resident who can meet the following criteria:

a) has been diagnosed by an ophthalmologist licensed pursuant to the Medical Practice Act of 1989 [225 ILCS 60], or

b) has been diagnosed by an optometrist licensed pursuant to the Illinois Optometric Practice Act [225 ILCS 80] as blind or visually impaired~~,~~ including those with secondary disabilities~~,~~ listed in ~~in accordance with~~ 89 Ill. Adm. Code 765.10(d).

In addition, the Superintendent may make both outreach and center based services available to infants with visual ~~sight~~ impairments between the ages of birth and five ~~if funds are available to provide such services~~.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.50 Admission of Students with Severe Physical Disabilities and Other Health Impairments

The Superintendent ~~facility administrator~~ of the Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) ~~Illinois Childrens School and Rehabilitation Center (ICSRC)~~ shall admit students with severe physical disabilities and health impairments if space is available. These students shall be diagnosed, by a physician licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60] ~~(Ill. Rev. Stat. 1989, ch. 111, par. 4400 et. seq.)~~, as severely disabled by cerebral palsy, muscular dystrophy, spina bifida, or as having other severe physical disabilities and health impairments ~~disabilities~~, e.g., traumatic brain injury or a progressive neurological disorder, including those with secondary disabilities~~,~~ listed in ~~in accordance with~~ 89 Ill. Adm. Code 765.10(d), between the ages of five and 21 ~~twenty-one~~ who reside in Illinois, ~~if space is available~~, and it has been determined through an application and evaluation process that ICRE-R ~~ICSRC~~ can provide an appropriate program.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.60 Admissions Review Committee (Repealed)

~~Each State School shall have its own Admissions Review Committee composed of representatives from DHS, the facility administrator/designee, a representative from the Illinois State Board of Education, social services staff, appropriate diagnostic/medical specialists, educational staff, and dormitory/housing~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~supervisors--of--the--State--School.---Additional--technical--assistance--may--be secured--at--the--discretion--of--the--facility--administrator.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.70 Meetings of the Admissions Review Committee (Repealed)

~~The--Admissions--Review--Committee--shall--meet--at--least--quarterly--to--review applications.--The--Committee--shall--inform--the--facility--administrator--as--to--the appropriateness--and--feasibility--of--the--student's--enrollment--in--a--program--at--the the--State--School.--The--Committee--may--not--consider--an--application--unless--the--MDE Report,--the--IEP--and--letter--formally--making--recommendations--for--acceptance--of the--application--from--the--district--is--received--from--the--applicant--10--working days--prior--to--the--meeting.--If--the--provisions--in--Section--755.25(a)(2)--apply, the--letter--is--not--required.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.80 Representatives to be Present (Repealed)

~~The--parents,--student--and--a--representative--from--the--district--may--be--present--at the--Admissions-Review-Committee--meeting.--Parents--and--the--district--shall--be given--at--least--15--working--days--notice--of--the--date,--time--and--place--of--the Admissions-Review-Committee-meeting.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.90 Outcome of Application for Admission (Repealed)

~~The--facility-administrator--shall--send--written--notification--within--fifteen--(15) working--days--following--the--review--of--the--application--by--the--Admissions--Review Committee,--to--the--parents--and--the--district--of--the--outcome--of--the--application for--admission.---For--students--accepted,--the--letter--shall---contain---such information--as--the--date--of--planned--admission--and--any--special--considerations--or expectations.--Students--accepted--will--be--enrolled--as--soon--as--possible,--but--no later--than--the--beginning--of--the--next--semester,--provided--space--is--available. For--students--denied--admission,--the--facility--administrator--shall--furnish--to--the applicant's--parent(s),--the--district,--and--the--Illinois--State--Board--of--Education representative--to--the--Admissions--Review--Committee,--a--written---statement detailing--the--reasons--for--the--denial,--including--the--types--of--related--aids--and services--the--Committee--believes--the--child--needs--and--the--reasons--the--State School--cannot--provide--those--aids--and--services.--The--statement--shall--also--notify the--parent(s)--of--their--right--to--appeal--this--decision--pursuant--to--Impartial--Due Process--Hearing--proceedings--(89--Ill.--Adm.--Code--800).~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.100 Development of the IEP

a) There shall be an IEP ~~(89--Ill.--Adm.--Code--795.00(d))~~ meeting at the time of or ~~either--prior--to--admission--or~~ following admission of the student for the purpose of reviewing and/or revising the IEP. ~~The staffing--will--be--held--at--the--State--School.~~ The parent(s) and appropriate diagnostic, educational ~~staff~~ and district staff shall be invited to ~~should~~ attend. ~~If--possible--and--feasible,--the--student should--be--present--for--initial--orientation--and--preliminary--diagnostic activities--conducted--by--the--State--School--staff.~~

b) If neither the representative of the local school district who has the authority for obligation of funds or ~~district--nor~~ the parent is unable to ~~can~~ attend the meeting, the State School shall make every effort to obtain their participation in the process by telephone ~~and--concurrence with--the--IEP~~. If the local school district is not present and if a commitment of funds from the local school district is required, the IEP shall be recessed until such commitment may be obtained.

~~c) The--State--School--IEP--shall--include,--but--not--be--limited--to,--the--items listed--in--Additional--Meetings--(89--Ill.--Adm.--Code--795.00(d)).~~

c)~~d)~~ All participants at the IEP meeting shall be requested, but not required, to sign the completed IEP. The completed IEP shall be signed by the appropriate State School official, the parents ~~parent~~ and the local school district. If the provisions of Section 755.25(a)(2) apply, the local school district shall be requested to sign the IEP, but its signature is not required.

(Source: Amended at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.230 Discharge (Repealed)

~~A--student--may--be--discharged--from--a--State--School--when:~~

~~a) The--student--graduates--from--high--school.~~

~~b) The--student--reaches--age--21.--The--student--who--becomes--21--during--the school--year--shall--be--allowed--to--complete--that--year.~~

~~c) The--student's--parents--or--guardian--move--out--of--state,--unless--a--parent is--a--member--of--the--armed--forces.~~

~~d) The--student's--parents--or--guardian--requests--the--discharge.~~

~~e) It--has--been--determined--by--a--multidisciplinary--case--study---and evaluation--conference--conducted--in--accordance--with--Section--755.240, that--the--student--is--inappropriately--placed.~~

~~f) The--student--is--absent--for--sixty--(60)--consecutive--school--days--and--the parents--or--guardian--either--cannot--be--reached--or--will--not--provide information--indicating--the--reasons--for--the--absence--or--the--anticipated date--the--student--will--return.--In--such--cases,--the--State--School--shall~~

~~contact the school district of parental/student residence within two school days of the date it is known there is a serious question about whether the student will return (i.e., due to long term hospitalization, death, change of residence) and request assistance in locating and/or working with the parents or guardian.~~

~~g) The student is expelled for behavior or a condition which is not, or does not result from, his or her exceptional characteristic(s), as defined in the Illinois State Board of Education's rules "Special Education" (23 Ill. Adm. Code 226.552 Subpart I).~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.240 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (Repealed)

~~a) When the State School's administrators, faculty members, other staff, or consultants have reason to believe that a student at the State School is inappropriately placed, a case study evaluation will be conducted, as required by the U.S. Department of Education rules, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance," found at 34 CFR 104.35(a), (1986). The evaluation will not be limited to the student's primary exceptional characteristic, but will include any exceptional characteristic of the student that may be relevant to the determination that the student is or is not appropriately placed at the School. Case Study Evaluation to Determine Need for Modification of Educational Service, (89 Ill. Adm. Code 795.30), sets forth additional requirements.~~

~~b) The parent(s) and the school district of parental/student residence will be informed of the reasons for the case study evaluation and the kind of data the evaluators intend to develop. The evaluation shall be subject to parental consent.~~

~~c) In interpreting evaluation data and in making placement decisions, the State School will:~~

~~1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;~~

~~2) ensure that information obtained from all such sources is documented and carefully considered; and~~

~~3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, e.g., parents or guardians, educators, psychologist, social workers, child care specialists, supervisors, administrators, medical practitioners and others knowledgeable about the child and/or the evaluative data.~~

~~d) A decision to terminate the placement of a student at the State School must be made in accordance with, Identification, Evaluation, and Placement of Exceptional Children, (89 Ill. Adm. Code 795.160) at a conference which includes, at a minimum, the following participants:~~

~~1) A representative of each division of the State School, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education in accordance with 89 Ill. Adm. Code 810. Such divisions include educational, residential, medical, social services, evaluation, and administration;~~

~~2) The child's teacher;~~

~~3) One or both of the child's parents or guardians. Refusal or inability to attend shall be handled as in Additional Meetings (89 Ill. Adm. Code 795.80 (b) (3));~~

~~4) The child, if the social worker or a conference participant requests his/her attendance, or the child is 17 years of age or older;~~

~~5) A representative of the school district of parental/student residence; and~~

~~6) Other individuals, at the discretion of the parent, or the school district of parental/student residence. Other individuals are allowed to attend at the invitation of the State School if a school staff member or administrator requests their attendance because they have knowledge of the child and his/her activities.~~

~~e) The recommendation of the conference will be the consensus of the participants, in accordance with Recommendations (89 Ill. Adm. Code 795.60). The conference participants will prepare a written statement detailing the reasons for the termination, including the type of services the participants believe the child needs and the reasons the State School cannot provide those services.~~

~~f) The termination of a child's placement is an appealable issue under Impartial Due Process Hearing (89 Ill. Adm. Code 800). The State School will inform the parents of their right to request an impartial hearing should the conference recommend termination of the student's placement.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.250 Interim Services (Repealed)

~~a) If the decision of the termination conference participants is to terminate the child's placement at the State School, the participants will recommend, at the request of the school district of parental/student residence, an appropriate placement for the student and/or interim services for the student at the State School. Such services shall be as appropriate to the student's needs as possible for no more than 20 calendar days, after the school district of parental/student residence has been notified. This allows the school district of parental/student residence time to locate the appropriate placement for the child. Such obligation shall terminate if the~~

~~student refuses to remain on campus or if the parent(s) refuses to allow the student to remain on campus. Further, such obligation is limited solely to such services as may be given on the State School's premises.~~

~~b) In those extraordinary circumstances in which the conference participants conclude that the student represents so substantial a danger to himself, others or school property that the only appropriate placement is beyond the State School's authority to provide, in accordance with Ill. Rev. Stat. 1987, ch. 23, par. 3444, such as homebound or hospital instruction, or that the student is unable to adjust to group living, the conference participants may recommend that the State School is not an appropriate placement for interim services. Any such changes in placements shall be made only in accordance with Section 755.260(i).~~

~~c) The State School will implement the recommendations of the conference and will provide interim services to the student for no more than 20 calendar days (depending on the recommendation of the conference) unless the school district of parental/student residence locates an appropriate placement within less time.~~

~~d) The modifications to the child's program will be initiated as soon as possible after the decision to terminate the placement of the child at the State School and the agreement to the amount and type of interim services to be offered.~~

~~e) The modifications to the child's program during the 20 calendar day interim shall be made according to the procedures set forth in 89 Ill. Adm. Code 795.90-795.120 or 755.260(g).~~

~~f) Subsections (a) and (c) in no way modify the obligation of the school district of parental/student residence to provide a free appropriate public education to qualified students with disabilities within its jurisdiction, nor do these paragraphs modify the obligation of the school district of parental/student residence to locate an appropriate placement as soon as possible after the decision to terminate the child's placement at the State School has been made.~~

~~g) Under Subsections (a) and (c) the State School shall not be required to maintain the student on campus or to provide services during scheduled breaks, shutdowns, or summer vacations.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

Section 755.260 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others (Repealed)

~~a) A suspension barring the child from both the educational and the residential components of the State School of less than ten school days in the aggregate in one school year is not a significant change in placement nor a discharge.~~

~~b) A suspension for greater than ten school days in the aggregate in one school year for any reason is a significant change in placement under 34 CFR 104.35(a), 1986 and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 800).~~

~~c) State School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (g) and (i).~~

~~d) The State School may suspend a student for no more than ten days in the aggregate in one school year, when suspension is warranted due to the physical danger to the student, others, or school property caused by the student's presence even when the behavior results from an exceptional characteristic of the student. Suspensions made pursuant to this section shall be made in accordance with the procedures established in 89 Ill. Adm. Code 827.30.~~

~~e) If a student is suspended for behavior resulting from an exceptional characteristic of the student due to the physical danger to himself or herself, other students, faculty, or school property caused by the student's continued presence, the State School shall be responsible for developing and providing an appropriate educational program in a manner consistent with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 504) and as implemented in (34 CFR 104.31-104.39 (1986).~~

~~f) If the State School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the State School, the State School will initiate discharge procedures, as set out in Section 755.240.~~

~~g) If warranted because a student is an immediate physical danger to himself or herself or others, the superintendent or designee may change the educational status (i.e., a residential dormitory change, restriction of extra curricular activities) within the State School of the student during the pendency of due process procedures.~~

~~h) The Superintendent of the State School or designee may also suspend, for no more than ten days in the aggregate, the student who is an immediate danger to himself or herself or others during the pendency of due process proceedings.~~

~~i) The State School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents so substantial a danger to himself or herself or others that the only appropriate placement is beyond the State School's authority to provide, such as hospital or home bound instruction, the State School can make an emergency appeal to the Associate Director ORS of the Department of Human Services. In this appeal, the parents and the school district of parental/student residence have an opportunity to suggest alternative placements. If the Associate Director ORS agrees with the State School, then such services shall be terminated.~~

(Source: Repealed at 23 Ill. Reg. 10146, effective AUG 10 1999)

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:
113.141 Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12- 13].

5) Effective Date of Amendments: August 3, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

January 4, 1999 (23 Ill. Reg. 37)

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: The following change was made in the text of the proposed amendments:

1. In Section 113.141(b)(4), "three percent" was changed to "3%".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: These amendments coincide with a Department of Public Aid (DPA) rulemaking that was published in the *Illinois Register* on September 18, 1998 at 22 Ill. Reg. 16441. The DPA rulemaking added a new asset exemption which applies to determinations of medical eligibility under the AABD MANG program. That proposal reflected an agreement between the Department of Public Aid (DPA) and the Illinois Funeral Director's Association (IFDA) to establish a $4,000 exemption for irrevocable prepaid burial trusts with a 3% annual increase. In accordance, these amendments are being adopted to establish that funds can

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

be specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of $4,000 each, including prepaid funeral and burial plans. This 4,000 limit will be increased annually by three percent. This new asset exemption is in addition to the current $1,500 burial expense exemption and the burial space exemption.

16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump-Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program
113.405 Pending SSI Application (Repealed)
113.410 More Likely Than Not Eligible for SSI (Repealed)
113.415 Non-Financial Factors of Eligibility (Repealed)
113.420 Financial Factors of Eligibility (Repealed)
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435 Medical Eligibility (Repealed)
113.440 Attorney's Fees for SSI Applicants (Repealed)
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

DEPARTMENT OF HUMANS SERVICES

NOTICE OF ADOPTED AMENDMENTS

1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective AUG - 3 1999.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.141 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
   1) Homestead property.
   2) Personal Property
      A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed $2,000). Wedding and engagement rings and items required due to medical or physical condition.
      B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).
   3) Resources (for example, land, buildings, equipment and supplies

or tools) necessary for self-support up to $6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of $6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value (for example, the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties are totalled to see if the total equity is $6,000 or less.

4) Automobile

A) exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:

i) it is necessary for employment;

ii) it is necessary for the medical treatment of a specific or regular medical problem;

iii) it is modified for operation by or transportation of a handicapped person;

iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or

v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed $4500. Apply the excess fair market value toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).

5) Life insurance policies with a total face value of $1,500 or less and all term life insurance policies. If total face value exceeds $1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate

family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.

2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of $1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.

3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1989)).

4) Funds specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of $4,000 each, including prepaid funeral and burial plans. This limit will be increased annually by 3%.

c) Assets necessary for fulfillment of an approved plan for achieving self support.

d) Trust funds are exempt as follows:

1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.

2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].

e) Assets excluded by express provision of 20 CFR 416.1236 (1989).

f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.

g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.

h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.

i) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

j) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.

(Source: Amended at 23 Ill. Reg. 10161, effective AUG - 3 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Definition of Terms

2) Code Citation: 89 Ill. Adm. Code 825

3) Section Numbers: Adopted Action:
825.10 Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 22 Ill. Reg. 16715

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. Definitions of Terms are now found in Part 751.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Definition of Terms

2) Code Citation: 89 Ill. Adm. Code 751

3) Section Numbers: Adopted Action:
751.10 New Section
751.20 New Section

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

5) Effective Date of Rules: 8/10/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16722

10) Has JCAR Issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: A new Part that provides definitions of terms used throughout Parts 750-835.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

The full text of the adopted rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 751
DEFINITION OF TERMS

Section
751.10 Definitions
751.20 General Provisions

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

SOURCE: Adopted at 23 Ill. Reg. 10173, effective AUG 10 1999.

Section 751.10 Definitions

"Associate Director" - means the Associate Director of the Illinois Department of Human Services, Office of Rehabilitation Services (ORS).

"Consent" - means permission of the parent(s) after being informed of all necessary information.

"Days" - unless otherwise specified, means days when school is officially conducted during the regularly established school year.

"DHS" - means the Illinois Department of Human Services and does not include any contractor, grantee, nominee agency or service provider.

"Individualized Education Program (IEP)" - a written statement for a student that provides at a minimum a statement of: the student's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the basic special education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.

"Least Restrictive Environment" - means, to the maximum extent appropriate, children with disabilities are educated with children without disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability requires that education in regular classes with the use of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

supplementary aids and services cannot be achieved satisfactorily.

"Local School District" - means the district in which a student and/or parent resides.

"Multidisciplinary Conference" - means a deliberation among appropriate persons, considering the least restrictive environment, for the purpose of determining eligibility for special education, developing recommendations for special education programming, reviewing educational progress, or considering the modification, continuation or termination of enrollment in the State School for an individual student.

"Non-academic Activities" - means activities relating to the students' social and recreational needs (e.g., sports, clubs, and student council).

"Parent" - means the natural, surrogate or adoptive parent or legal guardian of the person or student.

"Parent Counseling and Training" - means assisting parents in understanding the special needs of their child and providing parents with information about child development.

"Personal Representative" - means an individual who has been designated by the student or parent to serve as a representative during an appeal procedure.

"Psychological Evaluation" - means an evaluation of the student's functioning in the cognitive, psychomotor, social/emotional, and academic achievement or aptitude areas using appropriately validated formal and informal tests and evaluation material.

"Reevaluation" - means a series of diagnostic procedures that are performed in accordance with 89 Ill. Adm. Code 795 for the purpose of determining a student's continued eligibility for enrollment at the State School.

"Related Services" - means the developmental, corrective, and other supportive services that are required to assist a student to benefit from special education. Such services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes transportation, school health services, social work services, and parent counseling and training.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

"Secretary" - means the Secretary of the Illinois Department of Human Services.

"Special Education" - means those instructional and related services, unique materials, physical plant adjustments, and other special educational facilities, provided by the State School to meet the unique needs of students, that may modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education.

"State Board" - means the Illinois State Board of Education (ISBE)

"State School" - means one of the three residential schools operated by DHS: Illinois Center for Rehabilitation and Education-Roosevelt (ICRE-R), the Illinois School for the Deaf (ISD), or the Illinois School for the Visually Impaired (ISVI).

"Student" - means a person attending, or making application for admission to, one of the State Schools. All references to "student" include the parent or guardian unless the student is 18 years of age or over, in which case it refers to the student only.

"Superintendent" - means the Superintendent of a State School or an individual designated by the Superintendent to serve on his/her behalf.

Section 751.20 General Provisions

Any and all notices and communications made pursuant to this Part shall be in writing, in a language that the student understands, unless the student is unable to communicate in writing. All non-written communications must be documented.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Evaluation and Coordination of Special Education

2) Code Citation: 89 Ill. Adm. Code 820

3)

Section Numbers:	Adopted Action:
820.10	Repealed
820.20	Repealed
820.30	Repealed
820.40	Repealed
820.50	Repealed
820.60	Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16727

10) Has JCAR Issued a Statement of Objections to this Repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. The language is now found at Subpart C of Part 750.

16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPELEAR

1) Heading of the Part: Home and Hospital Programs

2) Code Citation: 89 Ill. Adm. Code 785

3) Section Numbers: 785.10 — Adopted Action: Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 23 Ill. Reg. 16732

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. The text is now found at 750.120.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPELEAR

Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Identification, Evaluation, and Placement of Students

2) Code Citation: 89 Ill. Adm. Code 795

3)

Section Numbers:	Adopted Action:
795.10	Amendment
795.20	Amendment
795.30	Amendment
795.40	Repealed
795.50	Amendment
795.60	Amendment
795.70	Amendment
795.75	New Section
795.80	Repealed
795.90	Amendment
795.100	Amendment
795.120	Amendment
795.130	Amendment
795.140	Amendment
795.150	Amendment

4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11 and 13].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998 , 23 Ill. Reg. 16735

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Minor technical changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: Section 795.30 has been revised to include language regarding case study evaluations. Sections 795.40 and 795.80 have been repealed. Section 795.75 has been added to clarify notifications to the schools.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 795
IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS ~~EXCEPTIONAL CHILDREN~~

Section
795.10 Program of Public Awareness
795.20 Responsibility of Seeking Out and Identifying Students Needing Special Program
795.30 Case Study Evaluation to Determine Need for Modification of Educational Services
795.40 Notification of Modification or Change (Repealed)
795.50 Criteria for Change
795.60 Recommendations
795.70 Written Report
795.75 Notification of Modification or Change
795.80 Additional Meetings (Repealed)
795.90 Parental Notification
795.100 Parental Consent to Proposed Modifications
795.110 Parental Objections (Repealed)
795.120 Modifications or Changes
795.130 Review of Educational Status and Continued Special Education Placements
795.140 Written Notification of Continuation to Parents
795.150 Written Notification to State School Superintendent
795.160 Termination of Placement (Repealed)

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 28, 1982; codified at 6 Ill. Reg. 14860; amended at 12 Ill. Reg. 14012, effective August 19, 1988; amended at 14 Ill. Reg. 16005, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10182, effective AUG 10 1999.

Section 795.10 Program of Public Awareness

The Department of Human Services (DHS) shall develop and implement an ongoing program of public awareness of special education programs and comprehensive rehabilitation services offered at the State Schools and of advising the public of the rights of ~~exceptional~~ students.

a) All such programs shall assure that information regarding DHS State ~~state~~-operated special education programs and the rights of students

is made available in each of the major languages represented in the enrollment and in phrases which will be understandable to parents, regardless of ethnic or cultural background, or hearing or visual abilities.

b) Programs developed by the State School to create public awareness of special education programs and for advising the public of the rights of ~~exceptional~~ students shall include, but need not be limited to:
   1) Annual notification to all parents who have students in the State School regarding the special education programs and services available in or through that State School and of their rights to receive, upon request, a copy of these rules and regulations.
   2) An annual dissemination of the same information to the local school districts served by the State School regarding the special education program and services available in or through the State School.

c) Documentation, including examples as appropriate, of the Department and each of the State School's efforts to create public awareness of special education programs and efforts to inform parents of the rights of ~~exceptional~~ students shall be maintained in the State School's files.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.20 Responsibility of Seeking Out and Identifying Students Needing Special Program

a) Each State School shall be responsible for actively seeking out and identifying students enrolled in the State School, including those with secondary disabilities, as listed ~~defined~~ in 89 Ill. Adm. Code 765.10(d), who may need special education programs and services beyond those included in the Individualized Education Program (IEP) or provided by the basic special education program of the State School ~~school~~. Procedures developed to fulfill this responsibility shall include, but not be limited to:
   1) Hearing and vision screening at regular intervals during the student's school career.
   2) Speech and language screening of each student upon initial enrollment in a State School.
   3) Annual screening by teachers and other professional personnel, for referral of those students who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.

b) Procedures may include coordination with local and State ~~state~~ service agencies and existing parent groups.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.30 Case Study Evaluation to Determine Need for Modification of Educational Services

a) When a student at the State School exhibits problems, or secondary disabilities, which interfere with his/her educational progress or adjustment to the educational setting, or when there is reason to believe that a student may require additional special education services, beyond those provided by the basic special education program of the State School, a case study evaluation shall be conducted.

b) In addition the student, parents of a student enrolled in the State School, other persons having primary care and custody of the student, the local school district, community service agencies, other professional persons having knowledge of the student's problems, the Illinois Department of Human Services, and the Illinois State Board of Education may request a case study evaluation.

~~a) Parental consent shall be obtained before:~~
   ~~1) Conducting any case study evaluation or re-evaluation of the student.~~
   ~~2) Changing the placement of a student, after completion of the case study evaluation, in a program providing special education and related services beyond those provided by the basic special education program of the State School and contained in the student's IEP.~~

~~b) Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory and is adjusted to the student's disability.~~

c) Each State School shall develop, and make known to all concerned persons, procedures by which a case study evaluation shall occur. These procedures shall:
   1) Designate the steps to be taken when requesting a case study evaluation.
   2) Designate the person to whom a referral shall be made.
   3) Indicate the information which shall be provided.

d) Parental consent shall be obtained before:
   1) Conducting any case study evaluation or reevaluation of the student.
   2) Changing the placement of a student, after completion of the case study evaluation, in a program providing special education and related services beyond those provided by the basic special education program of the State School and contained in the student's IEP.

e) Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory and is adjusted to the student's ability.

f) The State School staff shall be responsible for determining the appropriateness of the request, deciding what further action should be taken, initiating the necessary procedures, and informing the person making the request within 30 days regarding its decision to conduct or

not to conduct a case study evaluation. The information provided to the requesting party shall contain, subject to the Illinois School Student Records Act [105 ILCS 10] and the rules of the Illinois State Board of Education entitled Student Records (23 Ill. Adm. Code 375), the reasons for the decision.

g) If the State School decides not to conduct the requested case study evaluation, the parents and referring source, if other than the parent, shall be notified in writing within 30 days of the following:

1) The date of the referral and the reasons the case study evaluation was requested;

2) the reasons the State School has decided not to conduct a case study evaluation; and

3) the right to appeal the decision within 5 days under the impartial due process hearing procedures as found in 89 Ill. Adm. Code 828.

~~d) The parents of a student enrolled in the State School, other persons having primary care and custody of the student, the local school district or the student may request a case study evaluation.~~

~~1) If the State School decides not to conduct the requested case study evaluation, the parents and referring source, if other than the parent, shall be notified in writing within 30 days of the following:~~

~~A) The date of the referral and the reasons the case study evaluation was requested.~~

~~B) The reasons the State School has decided not to conduct a case study evaluation.~~

~~2) When the State School refuses or fails to conduct such an evaluation, the parents, other persons having primary care and custody of the student, the local school district or the student may appeal this decision within 5 days in an impartial due process hearing.~~

~~e) Requests for a case study evaluation may be made of the State School by parents, community service agencies, persons having primary care and custody of a student, other professional persons having knowledge of the student's problems, the student, the Illinois Department of Human Services, a local school district, or the Illinois State Board of Education (ISBE).~~

~~1) Procedures developed in accordance with subsections (a)(1) and (2) of this Section apply to all requesting sources.~~

~~2) The State School staff shall be responsible for determining the appropriateness of the request, deciding what further action should be taken, and initiating the necessary procedures.~~

~~3) The State School staff shall be responsible for informing the person making the request within 30 days regarding its decision to conduct or not to conduct a case study evaluation. The information provided to the requesting party shall contain, subject to the Illinois School Student Records Act [105 ILCS 10] and the rules of the ISBE entitled Student Records (23 Ill. Adm. Code 375), the reasons for that decision.~~

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.40 Notification of Modification or Change (Repealed)

~~Parents or guardians of an enrolled student and the local school district of parental/student residence shall be notified in writing at least ten (10) calendar days prior to the State School's initiation of a modification or change in the identification, evaluation, instructional program, educational placement of the student, or the inability to provide a free appropriate public education to the student. An initial contact shall be by telephone with written notice to follow.~~

~~a) The notice shall be:~~

~~1) Written in language understandable to the general public, and~~

~~2) Provided in the native language of the parent or other mode of communication used by the parents, unless it is clearly not feasible to do so.~~

~~3) If the native language or other mode of communication of the parent is not a written language, the State School shall insure:~~

~~A) That the notice is translated orally or by other means to the parent in his/her native language or other mode of communication;~~

~~B) That the parent understands the content of the notice; and~~

~~C) That there is written evidence on file that the requirements of these regulations have been met.~~

~~b) The notice shall contain:~~

~~1) A description of the action proposed or refused by the State School, an explanation of why the State School proposes or refuses to take the action, and a description of any options that the State School considered and the reasons why those options were rejected;~~

~~2) A description of each evaluation procedure, test, records, or report that the State School uses as a basis for the proposal or refusal; and~~

~~3) The parents' right to object to the proposed modifications and the specific procedures in making such an objection, including the procedures for requesting an impartial due process hearing;~~

~~4) A full explanation of all of the procedural safeguards available to the parents, including the availability upon request of a list of free or low cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing;~~

~~5) A description of any other factors which are relevant to the State School's proposal or refusal.~~

(Source: Repealed at 23 Ill. Reg. 10182, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUG 10 1999)

Section 795.50 Criteria for Change

No single procedure shall be used as the sole criterion for initiating a change or changing the identification, evaluation or educational program of a student enrolled in a State School. The determination of a change shall be made by a multidisciplinary team through one or more conferences. These conferences ~~This conference~~ may be preceded by an individual case study conducted in accordance with Section 795.30 and its accompanying procedures.

a) Participants in the conference(s) shall include appropriate representatives of the local school district; ~~of parental/student residence; all those~~ State School personnel involved in the evaluation of the student; the parent(s); other persons having significant information, knowledge or special experience regarding the student; and those persons who may become responsible for providing the special education program or service to the student; the student, where appropriate, and other individuals at the discretion of the parent, the State School, or the local school district ~~of parental/student residence~~.

b) The purpose of the above conference(s) shall be to:

1) Establish a composite understanding of the student's learning characteristics, sensory and motor skills, and behaviors.

2) Determine need for modified special education programs and/or services.

3) Determine the student's unique educational needs and the extent to which these needs can or cannot be met by the basic special education program of the State School.

4) Determine the nature and degree of other special education intervention which is needed, and recommend corresponding programming, or placement which is least restrictive of interaction with nondisabled or less disabled students.

~~c) If the above conference is also used for the development of the IEP, then the components of Section 795.80 of this Part shall be followed.~~

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.60 Recommendations

Recommendations made at the multidisciplinary conference shall be determined by consensus of the participating conference participants; if an agreement cannot be reached, additional information shall be obtained. In considering a student with a mental impairment, a certified school psychologist must concur with the student's eligibility based on the results of a psychological evaluation.

a) Recommendations for special education services, other than those provided in the basic special education program of the State School, shall be based on the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The student shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with the other students enrolled in the State School.

2) The special education service must be based on the student's IEP.

3) ~~Unless a disabled student's IEP requires some other arrangement, the student must be educated in the State School.~~ The State School will provide opportunities for the student to be integrated into academic and nonacademic activities, e.g., athletics, joint use of facilities, and public school student attendance at a State School, in the public school district to the greatest extent appropriate. Such integration activities shall be included on the student's IEP.

4) Consideration must be given to any potentially harmful effect on the student, on the quality of services which he/she needs, or that which impedes the education of other students in the environment.

b) The proposed special education and related services shall be consistent with the findings of a case study evaluation and the established eligibility of the student.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.70 Written Report

A written report of the results and recommendations of the multidisciplinary conference shall be prepared.

a) The conference report shall be dated, and list the names of all those in attendance at the conference.

b) A copy of the conference report, together with all documentation upon which it is based, shall be kept on file by the State School. The parents and the ~~referring~~ local school district shall be informed of their rights of access of the report. A copy of the multidisciplinary conference report must be given to the parents at the conclusion of the conference.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.75 Notification of Modification or Change

Parents of a student and the local school district shall be notified in writing at least ten calendar days prior to the State School's initiation of a modification or change in the identification, evaluation, instructional program, or educational placement of the student, or the inability to provide a free appropriate public education to the student. An initial contact shall be by telephone with written notice to follow.

a) The notice shall be:

1) Written in language understandable to the general public; and
2) Provided in the native language of the parent or other mode of communication used by the parents, unless it is clearly not feasible to do so.

b) If the native language or other mode of communication of the parent is not a written language, the State School shall ensure:
1) That the notice is translated orally or by other means to the parent in his/her native language or other mode of communication;
2) That the parent understands the content of the notice; and
3) That there is written evidence on file that the requirements of these regulations have been met.

c) The notice shall contain:
1) A description of the action proposed or refused by the State School, an explanation of why the State School proposes or refuses to take the action, and a description of any options that the State School considered and the reasons why those options were rejected;
2) A description of each evaluation procedure, test, record, or report that the State School uses as a basis for the proposal or refusal;
3) The parents' right to object to the proposed modifications and the specific procedures for making such an objection, including the procedures for requesting an impartial due process hearing;
4) A full explanation of all of the procedural safeguards available to the parents, including the availability upon request of a list of free or low cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing;
5) A description of any other factors that are relevant to the State School's proposal or refusal.

(Source: Added at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.80 Additional Meetings (Repealed)

~~If the initial multidisciplinary conference by the State School was held for the purpose of formulating a recommendation for services beyond those provided by the basic special education program of the State School, an additional meeting or meetings must be held for the purpose of developing the exceptional student's IEP. Each State School must be responsible for initiating and conducting one or more meetings for the purpose of developing, reviewing and revising the IEP. The meeting at which an exceptional student's IEP is developed must be held within thirty (30) calendar days of a determination that the student needs modified special education and related services.~~

~~a) Parents of the student must be notified of the meeting to develop, review, and revise the student's IEP. The State School must take steps to insure that the parents of the student are present at each~~

~~meeting or are afforded the opportunity to participate, including:~~
~~1) Notifying parents of the meeting early enough to insure that they will have an opportunity to attend; and~~
~~2) Scheduling the meeting at a mutually agreed on time and place.~~
~~3) The notice must indicate the purpose, time and location of the meeting, and who will be in attendance.~~

~~b) The following participants must be included in the IEP meeting:~~
~~1) A representative of the State School, other than the student's teacher, who is qualified to provide, or supervise the provision of special education (e.g., the state approved special education administrator or designee);~~
~~2) The student's teacher. Teacher organization representatives may not attend without parental and State School consent.~~
~~3) One or both of the student's parents or guardians.~~
~~A) If neither parent can attend, the State School shall use other methods to insure parent participation, including individual or conference telephone calls.~~
~~B) A meeting may be conducted without a parent in attendance if the State School is unable to convince the parents that they should attend. In this case the State School must have a record of its attempts to arrange a mutually agreed on time and place such as:~~
~~i) Detailed records of telephone calls made or attempted and the results of those calls.~~
~~ii) Copies of correspondence sent to the parents and any responses received, and~~
~~iii) Detailed records of visits made at the parent's home or place of employment and the results of those visits.~~
~~4) The student shall be asked to attend and shall also be included if the parent requests the student's presence.~~
~~5) Other individuals at the discretion of the parents or State School.~~
~~6) A representative of the referring local school district shall be invited to attend.~~

~~c) For a student who has been evaluated for the first time after enrollment, the State School shall insure that a member of the evaluation team participates in the meeting or that the representative of the State School, the student's teacher, or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation, participates in the meeting, as well as an interpreter for the deaf if necessary.~~

~~d) The IEP shall include, but is not limited to, the following:~~
~~1) A statement of the student's present levels of educational performance;~~
~~2) A statement of annual goals, including short term instructional objectives;~~
~~3) A statement of the specific special education and related~~

~~services to be provided to the student, and the extent to which the student will be able to participate in regular educational programs;~~

~~4) The projected dates for initiation of services and the anticipated duration of the services; and~~

~~5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.~~

~~e) The State School shall give the parent and the school district of parental/student residence, on request, a copy of the student's IEP.~~

~~f) Following the determination of the student's IEP, parents shall be afforded, on an ongoing basis, reasonable opportunity for comment on and input into their child's educational program.~~

(Source: Repealed at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.90 Parental Notification

a) At least ten ~~(10)~~ calendar days prior to the initiation of or the actual modification of the special education services of the student, the parents shall be notified, in writing, of the following:
   1) The results of the case study evaluation or the multidisciplinary conference.
   2) The nature of the special education program or services ~~service~~ needed by the student.
   3) The recommendations for modifying the special education services and the plan for implementing those recommendations.
   4) Their right to object to the proposed modifications and the specific procedures in making such an objection, including the procedures for requesting an impartial due process hearing as found in 89 Ill. Adm. Code 828.

b) Record of such notice shall be entered in the student's temporary student record.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.100 Parental Consent to Proposed Modifications

a) If the parents consent to the proposed modifications, they may waive the ten ~~(10)~~ calendar day interval, and the student shall be placed in the recommended program as soon as practicable.

b) Pursuant to Section 795.90(a)(4), if the parents object to the proposed modifications (any change in the current IEP pursuant to Section 795.80(d)), within ten ~~(10)~~ calendar days after ~~of~~ notification of proposed modifications, they shall contact the State School indicating their objection. The State School shall then, within

ten ~~(10)~~ calendar days after ~~of~~ receipt of the parents objection, arrange a conference with the parents in an attempt to resolve the disagreement. If the parents continue to object to the proposed modifications, they may appeal by requesting an impartial due process ~~a level~~ hearing. Such a request shall be made in writing to the superintendent of the State School. Rules for due process hearings are set forth in 89 Ill. Adm. Code 828 and 23 Ill. Adm. Code 226.600 ~~226.605~~ - 226.695 ~~226.625~~.

c) Receipt of a request for an impartial due process hearing shall cause the State School to postpone its proposed modifications of the special educational services until the matter is resolved.

d) The student shall remain in his/her current educational program, unless:
   1) an agreement is reached between the parents and the State School; or
   2) Section 827.80 ~~89 Ill. Adm. Code 755.260(e)~~ applies.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.120 Modifications or Changes

Modification or changes shall be made as soon as possible after the determination and agreement to the need for such modifications but in no case later than the beginning of the next school semester.

a) When modification of the special education services is not possible prior to the next school semester, the State School shall be responsible for providing interim services as appropriate to the student's needs as possibleunless Suspensions, Changes in Placement, and Discharges of Students Who are Dangerous to Themselves or Others (89 Ill. Adm. Code 827.80 ~~755.260(g) (i)~~) or Interim Services (89 Ill. Adm. Code 827.70 ~~755.250~~) applies.

b) The State School shall provide written notification to the parents of the student and the local school district ~~of parental/student residence~~ regarding the nature of the services the student will receive in the interim. Written verification of the provision of these services shall be kept in the student's temporary record.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.130 Review of Educational Status and Continued Special Education Placements

In addition to initial placement conferences and/or IEP meetings, the educational status and continued special education placement of each student shall be reviewed at least annually in a conference attended by those professional persons working with the student, the parents, the student where

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

appropriate, the special education administrator or designee who is qualified to supervise the provision of special education, the referring local school district, and other individuals having significant information, knowledge or special experience, at the discretion of the parent, the State School or local school district.

a) Utilizing appropriate evaluation information, including teacher and parent opinions, the annual review shall determine the extent to which the student has met the objectives and goals as specified in the student's IEP and recommend further evaluation or revise the student's IEP.

b) When further evaluation is indicated, pursuant to the annual review, a review of the student's status as requested by the teachers, parents, other knowledgeable, persons, or as a result of an impartial due process hearing, such an evaluation shall be completed within ~~sixty--(~~ 60~~)~~ school days of the request.

c) A reevaluation of the student shall be conducted every three years, or more frequently if conditions warrant, or if the student's parent or teacher requests an evaluation.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.140 Written Notification of Continuation to Parents

Written notification regarding the continuation of the student's special education placement shall be provided to the parents of the student and the local school district ~~of parental/student residence~~ as soon as possible but no later than ~~thirty-(~~ 30~~)~~ calendar days prior to the beginning of each school year.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

Section 795.150 Written Notification to State School Superintendent

Written notification to the State School superintendent regarding the anticipated continuation or withdrawal of a student from a State School shall be provided by the parents and the local school district ~~of--parental/student residence~~ as soon as possible but no later than ~~thirty-(~~ 30~~)~~ calendar days prior to the beginning of the next school year.

(Source: Amended at 23 Ill. Reg. 10182, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Impartial Due Process Hearing

2) Code Citation: 89 Ill. Adm. Code 800

3)

Section Numbers:	Adopted Action:
800.10	Repealed
800.20	Repealed
800.190	Repealed
800.280	Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 22 Ill. Reg. 16749

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. The new Impartial Due Process Hearings language is found in Part 828.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Impartial Due Process Hearing

2) Code Citation: 89 Ill. Adm. Code 828

3)

Section Numbers:	Adopted Action:
828.10	New Rule
828.20	New Rule
828.30	New Rule
828.40	New Rule
828.50	New Rule
828.60	New Rule
828.70	New Rule
828.80	New Rule
828.90	New Rule
828.100	New Rule

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10,11 and 3(f)].

5) Effective Date of Rule: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16754

10) Has JCAR Issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: minor technical changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule: A new Part that replaces Part 800 (Repealed) and sets forth the process for impartial due process hearings.

16) Information and questions regarding these adopted rules shall be directed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 828
IMPARTIAL DUE PROCESS HEARING

828.10 Scope and Purpose
828.20 General Information
828.30 Disciplinary Appeals
828.40 What May Not Be Appealed
828.50 Impartial Due Process Hearing
828.60 Procedures for Hearing Request
828.70 Denial of Hearing Request
828.80 Rights of the Parties Prior to the Hearing
828.90 Powers and Duties of Hearing Officer
828.100 Decision of the Hearing Officer

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 23 Ill. Reg. 10198, effective AUG 10 1999.

Section 828.10 Scope and Purpose

This Part sets forth the procedures for appealing decisions made by State Schools and the rights of the students and other involved parties. State Schools shall follow the procedures as set forth by the Illinois State Board of Education's Due Process System at 23 Ill. Adm. Code 226, Subpart J. If there are any discrepancies between this Part and the rules of the State Board of Education, the rules of the State Board of Education shall be utilized.

Section 828.20 General Information

Any and all notices and communications made pursuant to this Part shall be in writing, in a language that the student understands, unless the student is unable to communicate in writing. All non-written communications must be documented.

Section 828.30 Disciplinary Appeals

Disciplinary actions taken as a result of simple infractions listed in the State School's Rights, Responsibilities and Procedures Handbook are not appealable under this Part. This handbook is provided to parents and students annually. A student or parent has the right and is encouraged to speak with the disciplinary officer or the superintendent concerning minor discipline taken as a result of simple infractions listed in 89 Ill. Adm. Code

827.Appendix A. Minor discipline is appealable in accordance with Section 827.40.

Section 828.40 What May Not be Appealed

a) The following matters are not appealable under this Part, but are appealable under DHS appeals rules found at 89 Ill. Adm Code 510, Appeals and Hearings.
   1) Matters concerning sex equity or discrimination on the basis of sex as prohibited by the Illinois School Code [105 ILCS 5/10-22.5 and 27-1] and the Education Amendments of 1972 (20 USC 1681). Matters of sex equity may ultimately be appealed to the State Superintendent of Education.
   2) Matters concerning student records as set forth in the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g).
   3) Matters concerning Vocational Rehabilitation Services under the federal Rehabilitation Act (29 USC 701 et seq.).
b) Changes in services or procedures over which DHS exercises no discretion or control.
c) Issues related to the legality of DHS rules.
d) Changes in services or procedures that are mandated by federal or State law or regulation.

Section 828.50 Impartial Due Process Hearing

a) A parent or a student may request an impartial due process hearing.
b) A hearing may be requested for, but not limited to, the following reasons:
   1) Objection to signing consent for a proposed case study evaluation or initial placement.
   2) Failure of the State School, upon request of the parents, other persons having primary care and custody of the student, the student, or the State Board of Education (State Board), to provide a case study evaluation.
   3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the local school district.
   4) Objection to a proposed special education placement, i.e., an initial placement, a continuation of a previous placement, or a change in the placement.
   5) Termination of a special education placement.
   6) Failure of the State School to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multi-disciplinary conference.
   7) Failure of the State School to provide the least restrictive special education placement appropriate to the student's needs.
   8) Provision of special education instructional or resource programs or related services in an amount insufficient to meet the student's needs.
   9) Recommendation for the graduation of a student.
   10) Failure of the State School to comply with any provision of this Part.
c) Receipt of a request for an impartial due process hearing shall cause the student to remain in his or her current educational placement, unless a mutual agreement is reached between the parents and the State School.

Section 828.60 Procedures for Hearing Request

The State School, the parent of any student, or the student may request an impartial due process hearing. A parent's or student's request for a hearing shall be made, in writing, to the superintendent of the State School.

a) If the State School makes the request, a written request shall be sent in to the Illinois State Board of Education, attention Division of Program Compliance, in Springfield, and at the same time a copy shall be sent to the other party. This letter shall include the information set forth in subsections (b)(1)(A), (C) and (D) of this Section.
b) Within five days after the State School receives a request for a hearing from a parent or from a student, the State School shall:
   1) Send a certified letter to the Division of Program Compliance requesting the appointment of an impartial due process hearing officer. This letter shall be delivered by a means that provides written evidence of the delivery and shall include:
      A) the name, address and telephone number of the student and the parent, and of the person making the request for the hearing, if it is someone other than the student or parent;
      B) the date on which the request for the hearing was received by the State School;
      C) the nature of the controversy to be resolved;
      D) the primary language spoken by the parents and student; and
      E) a copy of the parent's request.
   2) Send to the person requesting the hearing, by certified mail or other means providing written evidence of delivery, a copy of the letter sent to the State Board.
      A) If the hearing has been requested by someone other than the student's parents, the State School shall inform the parents by certified mail of the request and invite them to participate in the proceedings.
      B) Copies of all correspondence pertaining to impartial due process hearings shall be forwarded to the DHS-ORS Director of Educational Services.

Section 828.70 Denial of Hearing Request

A request for an impartial due process hearing may not be denied for any reason.

Section 828.80 Rights of the Parties Prior to the Hearing

a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part. The State School shall inform the parents of any free or low cost legal services that may be available in their area, and of the availability of publicly funded advocacy services.

b) The parents may inspect and review all records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.

c) The parents shall have access to the State School's list of independent evaluators, and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents shall request such delay as provided in Section 828.100(c) of this Part. The hearing officer shall delay the hearing until such time as the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the State School's expense. The hearing officer shall delay the hearing as provided for in this subsection.

d) Either party to the hearing has the right to the disclosure at least five days prior to the hearing of any evidence to be introduced.

e) Either party may compel the attendance of any State School employee at the hearing, or any other person who may have information relevant to the needs, abilities, the proposed program, or the status of the student. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under Section 828.90(e) of this Part, court action may be sought as provided in Section 14-8.02a(g) of the School Code.

f) Either party, or any person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. Such interpreters shall be provided at DHS expense.

g) The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of

the School Code.

Section 828.90 Powers and Duties of Hearing Officer

a) Once appointed, the impartial due process hearing officer shall not communicate with the State Board, the State School, or their employees concerning the hearing and shall not initiate or participate in any ex parte communications with the parties, except as provided in Section 14-8.02a(g) of the School Code.

b) The hearing officer shall disclose any actual or potential conflict of interest to the parties upon learning of such a conflict.

c) The hearing officer shall conduct the hearing and shall have, but not be limited to, the following powers:
   1) To administer, or to authorize the court reporter to administer, oaths;
   2) To examine witnesses;
   3) To issue subpoenas;
   4) To rule upon the admissibility of evidence;
   5) To order independent evaluations;
   6) To grant specific extensions of time;
   7) To read into the hearing record any stipulations of fact and other matters agreed upon at the pre-hearing conference and to enter into the record any pre-hearing orders;
   8) To render decisions and issue orders and clarifications.

d) The hearing officer shall comply with applicable timelines established in Section 14-8.02a of the School Code.

Section 828.100 Decision of the Hearing Officer

a) Within ten days after the conclusion of the hearing, the hearing officer shall issue a written decision that sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer shall determine whether the evidence establishes that the student has needs that require special education services, and if so whether such services proposed or provided by the State School are appropriate given the student's identified needs.

b) The hearing officer's decision shall be sent by certified mail to the involved parties. The decision shall be translated into the native language of the parents if their primary language is other than English.

c) The written decision shall be binding upon the parties unless a party aggrieved by the decision commences a civil action as provided in Section 14-8.02a(i) of the School Code. Such filing of a civil action shall act as a supersedeas, and implementation of the hearing officer's decision shall be stayed pending judicial review.

d) The hearing decision, if not appealed pursuant to subsection (c) of this Section, shall be enforced by the State School.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) Section Numbers: Adopted Action:
132.70 Amended
132.91 Amended

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

5) Effective Date of Amendments: August 23, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 16, 1999, 23 Ill. Reg. 4353

10) Has JCAR Issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version:

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking requires community providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring an individual with such substantiated findings.

16) Information and questions regarding this adopted rule shall be delivered to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
132.10 Purpose
132.15 Incorporation by Reference
132.20 Clients' Rights and Confidentiality
132.25 Definitions
132.30 Application and Certification Process
132.35 Recertification and Reviews
132.40 Certification for Additional Medicaid Community Mental Health Services and/or New Site(s)
132.45 Suspension of Certification
132.50 Termination of Certification
132.55 Certification Appeal Criteria and Process
132.60 Rate Setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section
132.65 Organizational Structure
132.70 Personnel and Administrative Recordkeeping
132.75 Program Evaluation
132.80 Fiscal and Statistical
132.85 Recordkeeping
132.90 Provider Site(s)
132.91 Accreditation

SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

Section
132.95 Utilization Review
132.100 Clinical Records
132.105 Continuity and Coordination of Services
132.110 Availability of Services (Repealed)

SUBPART D: CLINIC SERVICES

Section
132.115 Provisions
132.120 Service Needs Evaluation
132.125 Treatment Plan Development and Modification

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

132.130 Psychiatric Treatment
132.135 Crisis Intervention
132.140 Day Treatment

SUBPART E: REHABILITATIVE SERVICES

Section
132.145 Provisions
132.150 Rehabilitative Mental Health Services
132.155 Family Intervention, Stabilization and Reunification Services

SUBPART F: CASE MANAGEMENT SERVICES

Section
132.160 Provisions
132.165 Mental Health Case Management Services
132.170 Rehabilitative Case Management

APPENDIX A Medicaid Community Mental Health Services Application Components
APPENDIX B Utilization Parameters
TABLE A Mental Health Clinic Program Client Services
TABLE B Rehabilitative Mental Health Services
TABLE C Family Intervention, Stabilization and Reunification Services

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for maximum of 150 days; amended at 23 Ill. Reg. 10205, effective AUG 23 1999.

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.70 Personnel and administrative recordkeeping

a) The provider shall have a comprehensive set of personnel policies and procedures that include but are not limited to:
1) Job descriptions and qualifications, including but not limited to

documentation of current licensure, and certification shall be maintained for all staff, including physicians who are employed either directly or by contract by the provider or by an agency subcontracting with the provider or program.

2) Providers shall assure in writing that staff providing or supervising services pursuant to this Part meet the staff qualifications defined in this Part, and that their individual performance is evaluated no less frequently than once every twelve months.

3) Providers shall have documentation that they have written personnel policies concerning the hiring, evaluating, and disciplining (including terminating) of staff.

b) The provider shall document that it provides directly or indirectly for development and continuing education activities of its employees which broaden their existing knowledge in the field of mental health and related areas.

c) An agency shall not employ a person in any capacity until the agency has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the agency shall not employ him or her in any capacity.

(Source: Amended at 23 Ill. Reg. 10205, effective AUG 23 1999)

Section 132.91 Accreditation

a) The Department shall grant deemed status to providers having a contract with the Department and demonstrating current accreditation status under any of the standards of the following accrediting organizations:

1) 1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

2) 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

3) 1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

4) Council on Accreditation 1997 Standards for Behavioral Health Care and Community Support and Educational Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

5) Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

6) Standards Manual and Interpretive Guidelines for Behavioral

Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or

7) Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996).

b) "Deemed status" means that if a provider has been accredited by any of the accrediting organizations identified in subsections (a)(1) through (a)(7) of this Section, the Department shall deem the provider to be in substantial compliance for the programs the Department funds for the following Sections of this Part:

1) Section 132.65;

2) Section 132.70(a) and (b);

3) Section 132.75;

4) Section 132.85(a)(1), (b), (d)(3) through (d)(5) and (e);

5) Section 132.95 (a) and (d) through (f) and (h);

6) Section 132.100(a) through (g) and (i) through (l); and

7) Section 132.105.

c) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

d) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date the change.

e) Deemed status may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the Sections identified in subsections (b)(1) through (b)(7) of this Section.

(Source: Amended at 23 Ill. Reg. 10205, effective AUG 23 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs

2) Code Citation: 59 Ill. Adm. Code 119

3) Section Numbers: Adopted Action:
119.260 Amended
119.270 Amended
119.330 Amended

4) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

5) Effective Date of Amendments: August 23, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 16, 1999, 23 Ill. Reg. 4355

10) Has JCAR Issued a Statement of Objections to this amendment ? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were indicated

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking requires community providers to check the Department of Public Health's Nurse Aide Registry for substantiated findings of abuse or neglect before hiring an individual with such substantiated findings.

16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 119
MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENTAL TRAINING PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
119.100 Applicability
119.110 Incorporation by reference
119.120 Definitions

SUBPART B: PROGRAM REQUIREMENTS

Section
119.200 General requirements
119.205 Criteria for participation of individuals
119.210 Exclusion, suspension or discharge of an individual
119.215 Program staff
119.220 Interdisciplinary team (team)
119.225 Assessment of individuals
119.230 Individual services plan (plan)
119.235 Individual rights and confidentiality
119.240 Special training procedures
119.245 Committees
119.250 Medications and medical care
119.255 Environmental management
119.260 Administrative requirements
119.261 Application for waiver of the prohibition against employment
119.270 Accreditation

SUBPART C: CERTIFICATION REQUIREMENTS

Section
119.300 Issuing a certificate and period of certification
119.305 Application for certification
119.310 Application acceptance and verification
119.315 Non-transferability of a certificate
119.320 Cessation of operations
119.325 Certificate denial
119.330 Hearings

AUTHORITY: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 21 Ill. Reg. 2195, effective February 1, 1997; amended at 21 Ill. Reg. 6067, effective May 5, 1997; amended at 21 Ill. Reg. 8297, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 7978, effective April 27, 1998; amended at 22 Ill. Reg. 16244, effective August 27, 1998; amended at 23 Ill. Reg. 190, effective December 15, 1998; emergency amendment at 23 Ill. Reg. 4503, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10211, effective AUG 2 3 1999.

SUBPART B: PROGRAM REQUIREMENTS

Section 119.260 Administrative requirements

a) Governing body
   1) Each program which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control and operation of the program in compliance with the General Not For Profit Corporation Act of 1986 [805 ILCS 105], and with the Department's rules at 59 Ill. Adm. Code 103 (Grants).
   2) The names and addresses of all owners or controlling parties (whether they are sole proprietorship, association, partnership, corporation, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations) shall be fully disclosed and provided to the Department annually. For corporations, the names and addresses of all officers, directors, and principal stockholders, either beneficial or of record, shall be disclosed.
   3) The governing body shall include persons who have no direct or indirect financial interest in the program and who reside in the geographic area served by the program and include persons with developmental disabilities and consumer representatives.
   4) The provider shall notify the governing body of the Department's annual survey and other State and local inspections which indicate the outcome and disposition of any findings resulting from a survey.

b) Advisory board
   1) A program which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons who have no direct or indirect financial interest in the program, and who reside in the geographic area served by the program, and who include persons with developmental disabilities and consumer representatives.
   2) The advisory board shall ensure that each program owned or

operated by a sole proprietor or partnership shall have a charter, mission statement, goals and objectives.

c) Authorized agency representative
The provider shall appoint an authorized agency representative whose qualifications and duties are defined in writing and include authority for program administration and management. His or her performance shall be reviewed and documented annually by the governing body.

d) Provider policy requirements
1) The program shall have written policies which shall be reviewed annually, revised as necessary and approved by the governing body or advisory board and shall describe:
A) Goals and objectives reflecting annual and long-range plans;
B) The population served, including age groups, disabilities and the geographic service area;
C) The services provided in response to individual and community needs including:
i) The hours and days of operation;
ii) The methods used to perform initial screening and assessment of individuals;
iii) A description of processes used for development of the services plan;
iv) The use and approval of special training procedures such as time-out, restraint and aversive techniques;
v) Handling emergencies and disasters; and
vi) Maintenance of buildings, vehicles and equipment.
2) Program policy shall ensure the availability of professional, administrative and support staff to assess and address the needs of individuals. This includes personnel and consultants who can communicate, either verbally or non-verbally, with individuals.
3) Program policy shall ensure that Department-authorized consumer-interest groups shall be permitted, with the consent of the individuals, to visit a program.
A) Consumer interest groups must request authorization in writing to visit specific programs. The request shall be made to the Department and shall specify the program to be visited and the reason for the group's proposed visit. If the group agrees to the conditions set out below, the request shall contain those agreements.
B) The Department shall authorize a group to visit a program for a period of one year if:
i) The group has as one of its organizational purposes to review public services for mentally disabled individuals;
ii) The group agrees that its visits will not interfere with the program; and
iii) The group agrees to abide by the provisions of the Act concerning records and communications of individuals in programs.

C) The Department shall revoke its authorization or not renew the authorization if it has information that the group has not abided by the conditions set out above.
D) Any group whose authorization has been denied, revoked or not renewed may appeal the decision in writing to the Secretary ~~Director~~, who shall review the decision and accept or reverse it within 30 days. The Secretary ~~Director~~ shall uphold the decision if he or she finds that the group has not abided by this Part.

e) Personnel requirements
1) Programs shall not discriminate in the hiring or employment of staff on the basis of race, color, age, national origin, sex, religion, or handicap.
2) Personnel policies and procedures shall be in writing and available for review.
3) The program shall have written job descriptions or contractual agreements for every position, including consultant and direct-service volunteer positions, which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates.
4) Staff shall be licensed, registered or certified by the State, if required.
5) When paraprofessional or untrained staff are used in direct services, they shall be supervised by professional staff.
6) A pay plan for all position titles in use shall be available for review by the Department.
7) An agency shall not employ a person in any capacity until the agency has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the agency shall not employ him or her in any capacity.

f) Staff and volunteer training
1) Training in principles and practices in the following areas shall be provided to direct service and professional staff:
A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
B) Behavior management;
C) Normalization;
D) Age and cultural appropriateness;
E) Safety, fire, and disaster procedures including:
i) Use of fire-fighting equipment; and
ii) Familiarity with the disaster preparedness plan.
F) Prevention, handling, and reporting of abuse, neglect, exploitation, unusual incidents (see subsection (h) of this Section):
G) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Act;

H) Team planning;
I) Infection control and sanitation; and
J) Food preparation and handling for staff who prepare and serve food to individuals.

2) Training for volunteers working directly with individuals shall be provided in the areas discussed in subsections (f)(1)(A), (E), (F) and (G) of this Section. The agency shall provide a training program for other volunteers.

g) Quality assurance

1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.

2) The scope of quality assurance shall include reviewing semi-annually, or more frequently if problems are identified, at least the following:
A) Service planning;
B) The use of special training procedures including behavior management procedures;
C) Unusual incidents relative to services to individuals;
D) Service utilization;
E) Individuals' records ensuring that they meet the requirements of this Part;
F) Subcontracted services to ensure that the needs of individuals are being met; and
G) The status of individuals receiving service.

3) Records of quality assurance reviews and activities shall be filed separately from the records of individuals.

h) Unusual incidents

1) The provider shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the provider's management structure, up to and including the authorized agency representative. The provider shall ensure that staff demonstrate their knowledge of, and follow such policies and procedures that shall include but are not limited to:
A) Rape or sexual assault;
B) Abuse or neglect;
C) Death;
D) Physical injury;
E) Assault;
F) Missing individuals;
G) Theft; and
H) Criminal conduct.

2) Within 24 hours after becoming aware of an incident, the provider shall report to the appropriate law enforcement agencies any incident which is subject to the Criminal Code of 1961 [720 ILCS 5].

3) The provider shall ensure that suspected instances of abuse or neglect against individuals in programs that are certified by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2]).

i) Individual's record (record)

1) The program shall ensure the confidentiality of an individual's record in accordance with the Act and shall ensure safekeeping of all records against loss or destruction. Individuals or their guardians shall have access to the individual's record upon request.

2) The program shall maintain a chronological record for each individual. Records shall be located at a site, designated by the program, that is accessible and convenient to staff contributing to the plan.
A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
C) When symbols or abbreviations are used, the program shall provide a legend, standardized throughout the program, to explain them.

3) The following information shall be obtained and recorded when an individual enters a program, and shall be updated as necessary:
A) Identifying information including name, date of birth, sex, race, social security number and legal status;
B) The name, address and telephone number of the guardian or the person to be notified in case of an emergency;
C) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
D) Psychological assessments and recommendations;
E) Prescribed medications, allergies to foods, other medications and substances;
F) Physical and dental examinations and medical history;
G) Consent to receive emergency medical services; and
H) Copies of the authorization for release of information.

4) The following shall be entered in the individual's record during the period of service:
A) Prior service history;
B) Initial assessments and plan and the most recent assessments and plan;
C) Documentation of approval and their results when special training procedures are used such as time-out, restraint and aversive procedures; and
D) Chronological progress notes, at least monthly, documenting

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the individual's involvement in and response to the plan.

j) Financial and operational requirements
Programs shall comply with 59 Ill. Adm. Code 103 (Grants).

(Source: Amended at 23 Ill. Reg. 10211, effective AUG 23 1999)

Section 119.270 Accreditation

a) Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 119.120 of this Part shall be granted deemed status for the following Sections of this Part:
1) Section 119.200(a) and (b);
2) Section 119.205;
3) Section 119.210(a) through (d);
4) Section 119.215;
5) Section 119.220;
6) Section 119.225;
7) Section 119.230(a) and (c) through (f);
8) Section 119.240(a) and (c) through (h);
9) Section 119.245;
10) Section 119.250; and
11) Section 119.260(a) through (e)(1) through (6), (g), (i) and (j).

b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Amended at 23 Ill. Reg. 10211, effective AUG 23 1999)

Section 119.330 Hearings

a) The Department may not deny or suspend a certificate unless the provider is given written notice of the grounds for the Department's action. Except when denial of a certificate is based on imminent risk as described in Section 119.325, the provider may operate and receive a reimbursement for services during the period preceding the hearing, until such time as a final decision is made.

b) Hearings shall be conducted in accordance with the Department's rule at 89 Ill. Adm. Code 508 ~~59 Ill. Adm. Code 101.70, Conduct of hearings and appeals~~.

(Source: Amended at 23 Ill. Reg. 10211, effective AUG 23 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Non-Academic Programs and Policies

2) Code Citation: 89 Ill. Adm. Code 830

3)

Section Numbers:	Adopted Action:
830.10	Amendment
830.15	Amendment
830.20	Amendment
830.30	Amendment
830.35	Amendment
830.40	Amendment
830.50	Amendment
830.60	Amendment
830.70	Repealed
830.80	Amendment
830.90	Amendment
830.100	Amendment
830.110	Amendment
830.120	Amendment
830.130	Amendment
830.140	Amendment
830.150	Amendment
830.160	Amendment
830.170	Amendment
830.180	Amendment
830.190	Amendment

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10,11 and 3(f)].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16761

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Difference between proposal and final version: None

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This Part makes minor text changes throughout the Part. Section 830.50 has been reworded to provide clarity.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATION FACILITIES

PART 830
NON-ACADEMIC PROGRAMS AND POLICIES

Section
830.10 The Taking and Using of Students' Photographs
830.15 Locally Held Funds
830.20 Needy Student Fund
830.30 Student Trust Fund
830.35 Student Activity Fees
830.40 Valuables
830.50 Health Services
830.60 Search and Seizure
830.70 Rights and Responsibilities of School Staff (Repealed)
830.80 Food and Nutrition
830.90 Safety and Sanitation
830.100 Donations
830.110 Release of Students to Authorized Individuals
830.120 Use of Motor Vehicles by Students
830.130 Student Activities Requiring Approval of Parents~~/Guardians~~
830.140 Visits to State Schools
830.150 Behavior Intervention
830.160 Profit on Sales from Commissary Stores
830.170 Receipts from Athletic, Musical and Other Events
830.180 Transportation Fund
830.190 Use of Tobacco Products on State School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective November 7, 1995; amended at 20 Ill. Reg. 15610, effective November 22, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10220, effective AUG 10 1999.

Section 830.10 The Taking and Using of Students' Photographs

a) Department of Human Services (DHS) employees will not be permitted to take or use a photograph of a student which would demean or embarrass the student or would not be considered by reasonable viewers to

represent the student in a positive or favorable manner. Photographs of a student will only be taken or used by a DHS employee when the permission of the student's parent or guardian, or the student (when the student is 18 or over) has been obtained.

b) The superintendent of the State School ~~school (or the superintendent's designee)~~ shall not authorize any person(s) not employed by DHS to photograph a student on campus, nor will the State School ~~school~~ provide a photograph to such a person(s) unless the superintendent or designee knows the purpose for which the picture will be used and has assurance that that person(s) will observe the standards as set forth in subsection (a). Insofar as possible, photographs of a student will only be taken or used when the permission of the student's parent or guardian, or the student (when the student is 18 or over) has been obtained.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.15 Locally Held Funds

a) Pursuant to 20 ILCS 2405/13(i), Illinois School for the Deaf (ISD), Illinois School for the Visually Impaired (ISVI), and Illinois Center for Rehabilitation and Education - Roosevelt (ICRE-R) shall each maintain accounts of locally held funds for the purpose of providing benefits, amusement, and special services to the students of each State School ~~school~~.

b) Locally held funds are non-appropriated monies received by either ISD, ISVI, or ICRE-R from any source including grants, bequests, and gifts.

c) All locally held funds shall be established and all activity regarding the funds reported pursuant to Section 33.10 of the Comptroller's Unified Statewide Accounting System (CUSAS).

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.20 Needy Student Fund

a) Each State School ~~school~~ shall maintain a Needy Student Fund to provide for the special comfort, pleasure and amusement of the students, or for students having few ~~little~~ or no personal financial resources.

b) All interest and income earned on student trust funds and funds specifically donated for the purpose of providing support for students having few ~~little~~ or no personal financial resources shall be deposited in this fund.

c) Expenditures from this fund may be authorized by the superintendent ~~(or the superintendent's designee)~~ at the request of a student and/or staff member for the purposes stated in subsection (a). In

determining whether to authorize expenditures from the Needy Student Fund, the superintendent shall consider the amount of funds available, the purpose of the expenditure, and the needs and resources of the student. Documentation of all expenditures must be maintained.

d) These ~~Theses~~ funds and the records pertaining to such funds shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.30 Student Trust Fund

a) Students are encouraged not to keep substantial amounts of money, based on the age and maturity level of each student, on their persons or in their rooms, but to deposit it in the Student Trust Fund. Money can be deposited in the Student Trust Fund by the student or parents in person or by mail. A receipt shall be provided to the depositor.

b) Any restrictions or special considerations which the parents ~~or guardians~~ wish to apply to the student's withdrawals from the Trust Fund must be communicated in writing to the superintendent ~~(or the superintendent's designee)~~ each year or when changes are to be made.

c) Students may make withdrawals, subject to any limitations the parents have imposed as set forth in subsection (b), of their money from the Trust Fund in increments of their choosing. However, if a student requests an unusually large amount, based on the age and maturity level of each student, he or she shall be asked to explain the need and the parents will be contacted before the request will be approved. A dated, signed form acknowledging receipt must be completed at the time of withdrawal.

d) Parents or the students will be informed of the student's balance in the fund on a quarterly basis.

e) The Student Trust Fund is subject to the usual accounting controls (74 Ill. Adm. Code 245) and to audits by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.35 Student Activity Fund

a) Student activity fees are $30 per year for high school students and $20 per year for elementary school students. These fees should be paid at the beginning of the school year. The Needy Student Fund is available to assist in paying a student's activity fees, in accordance with Section 830.20.

b) All student activity fees shall be placed in a locally held fund and may be spent for the special comfort, pleasure, and amusement of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

students. Documentation of all expenditures must be maintained.

c) These funds and the records pertaining to such funds shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.40 Valuables

A ~~The~~ State School ~~school~~ has no responsibility or authority to provide funds to replace or repair the student's personal valuables, e.g., jewelry, radios, televisions, tape recorders, which are lost, damaged, or stolen unless due to staff negligence.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.50 Health Services

a) The State Schools will provide school health services, including routine services such as cough medicine, bandages, cotton swabs, and non-prescription drugs, and occupational and physical therapy. A seven day a week health center is provided at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not sufficiently ill to require hospitalization. There is an infirmary at ICRE-R for students requiring routine health services, as well. ICRE-R does not provide services required at a hospital or that are beyond the scope of medical facilities at ICRE-R.

b) Responsibility for costs associated with related services requiring medical devices or the services of a physician will be determined through the IEP process.

c) Parents are not required to use private insurance proceeds to pay for services that must be provided under the Individuals with Disabilities Act (IDEA) (14 USCA 1400 et seq.) or under an IEP unless they will incur no financial cost. Financial cost includes a deductible or co-pay amount, a decrease in available lifetime coverage or any other benefit under an insurance policy or an increase in premiums or the discontinuation of the policy, but does not include time, postage or other incidental costs.

d) Parents are expected to use their own resources, including private insurance, and to apply for Medicaid, if appropriate, to pay for services for their children not required to be provided by the State Schools under this Part or by the local school district under IDEA or Illinois State law.

e) Assistance will be provided to parents in locating medical services beyond those described in subsections (b) and (c) of this Section. DHS-ORS State Schools will not pay for such services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~a) The Illinois Center for Rehabilitation and Education Roosevelt (ICRE-R) provides comprehensive medical, nursing, physical therapy, occupational therapy and nutrition services, complete with both prescription and non-prescription medications, supplies and devices for its students.~~

~~b) The Illinois School for the Deaf (ISD) and the Illinois School for the Visually Impaired (ISVI) provide part-time physicians, full-time nurses, such basics as cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists to handle the health and treatment programs for their students. In addition, a seven day a week infirmary is provided at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not ill enough to require hospitalization.~~

~~c) Each school will provide assistance to parents in locating sources of, or arranging for, needed medical services which are beyond those described in subsections (a) or (b) above, providing there is a clear understanding that the school will not pay or be responsible for such services.~~

f) ~~d)~~ If a student receives medical treatment other than that prescribed by school health officials, the parents/guardian must inform school staff of such treatment and provide written medical information pertinent to that treatment.

g) ~~e)~~ Each State School ~~school~~ shall comply with Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] in matters pertaining to immunization of its students. In addition, at the direction of the State School's ~~school's~~ physician and superintendent, authorized medical staff at the State School ~~school~~ shall immunize students for communicable diseases provided:

1) the Illinois Department of Public Health (DPH) recommended the immunization due to a time limitation or unusual situation;

2) the local public health agency provides the vaccine at no cost to the State School ~~school~~ or the superintendent determines, in consultation with the school physician, an emergency situation exists and the need is so urgent that the vaccine should be purchased from State School ~~school~~ funds; and

3) the parents have given their consent if the student is under 18 years of age, or the student has given his or her consent if the student is 18 years old or older.

h) ~~f)~~ HIV Testing.

1) In compliance with the AIDS Confidentiality Act [410 ILCS 305] (AIDS Act) and rules of the Department of Public Health (77 Ill. Adm. Code 697 - AIDS Confidentiality and Testing Code), a student may not be tested for human immunodeficiency virus (HIV) unless:

A) the student or legally authorized representative consents in writing, or

B) a DHS State School ~~school~~ employee has had an accidental direct skin or mucous membrane contact with the student's blood or body fluids which is of a nature that may transmit

HIV, as determined by a physician in his or her medical judgement.

2) Test Information and Counseling. In compliance with the AIDS Act [410 ILCS 305], if an HIV test is ordered by a school physician, whether or not written or informed consent of the student or legally authorized representative has been given, the physician must provide the student with information, including:
   A) the meaning of test results;
   B) additional or confirmatory testing, when appropriate; and
   C) referrals for further information or counseling.

3) Disclosure of test results. The person performing the test shall only disclose results to the following people, who shall not redisclose the results, except as authorized by the AIDS Act:
   A) the student or his or her legally authorized representative;
   B) anyone designated in a express release executed by the student or legally authorized representative;
   C) the State School ~~school~~ employee who has had accidental contact as described in subsection (f)(2) above;
   D) the DPH (any redisclosure by a DPH employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DPH); and
   E) an employee of the State School ~~school~~ if he or she provides the student with medical services or such care as may involve contact with blood or body fluids of a student and the employee has a need to know such information (e.g., an employee has been involved in accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS). Any redisclosure by a DHS employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DHS.

i)~~g~~ In compliance with the Communicable Disease Prevention Act [410 ILCS 315] the DPH or local public health department shall inform the facility administrator that a student has been diagnosed as having AIDS or AIDS-related complex or has been exposed to HIV. The facility administrator shall not disclose such information except to the following (who shall not redisclose the results except as authorized by the AIDS Act) and then only if the facility administrator ~~then~~ finds it necessary for the safe and effective administration of the State School ~~school~~ and its programs:
   1) the principal of the State School ~~DHS-school~~;
   2) the teachers in whose classes the student is enrolled;
   3) the Infectious Disease Control Committee (i.e., facility administrator, head nurse and facility physician);
   4) the school nurse; and
   5) any other person that the facility administrator deems has a need to know~~,~~ who has been involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS, but the student's identity must remain confidential ~~cannot be revealed~~.

j)~~h~~ Each State School ~~school~~ will adhere to a consistent policy with regard to a diagnosis of Pediculus Humanus Capitis (head lice) by the school physician or nurse when discovered in the student population.
   1) Residential students will be treated by the nurse ~~Nurse~~ applying a 1% Permethrin cream rinse as soon as ~~the first available time the day~~ the head lice is discovered. Parents/guardians ~~Guardians~~ will be contacted advising them their child has been treated by the nursing staff for head lice.
   2) Non-residential students will have a phone call made to the affected student's parents/guardian informing them of the diagnosis of head lice, and that the student must be removed from the State School ~~school~~ as soon as possible. The recommendation will be made to seek treatment from a physician and that all household members be treated. They will be informed that the student will not be allowed to return to the State School ~~school~~ until treatment has been completed.
      In the event a parent of a non-residential student cannot be contacted within a two hour time frame, the school nurse will treat the student to facilitate returning the student to the ~~school~~ classroom until the parent is contacted. If the clothing of a non-residential student is infested, temporary clothing will be issued while the student's clothes are being laundered.
   3) A school nurse will evaluate all ~~All~~ roommates and classmates ~~will be evaluated~~ for the presence of nits (lice eggs) or other evidence of infestation ~~by the school nurse~~.
   4) Residential students will not be allowed to return to the State School ~~school~~ until they have been treated by the nursing staff. Non-residential students must present proof of appropriate treatment (e.g., note from physician, copy of prescription, proof of purchase of an over the counter product for the treatment of head lice) before returning to the State School ~~school~~. Upon return to the State School ~~school~~ the student will be re-examined by the nurse prior to admission.
   5) The nursing staff will again examine the affected student in 7 to 10 days.
   6) All potentially infected environmental surfaces and clothing of residential students that could have been infected will be treated by the facility staff to prevent re-infection of the student population.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.60 Search and Seizure

a) The superintendent or designee of a State School ~~school~~ has the authority to approve the search of any student's person, locker, room

or property when the superintendent/designee has a reasonable belief that the student has alcohol, drugs, a weapon, stolen goods or any other item prohibited by the State School's ~~school's~~ rules. Any search of person must be made by staff of the same gender as the student being searched with another staff person present as a witness.

b) Any contraband, as defined by ~~89 Ill. Adm. Code 827 and~~ the Criminal Code of 1961 [720 ILCS 5 ~~et seq.~~], found during the search shall be seized and held until its proper disposition is determined through consultations with Central Office staff or local or state law enforcement officials as indicated by the situation.

c) The superintendent shall not approve a search as a means of embarrassing or punishing a student. Insofar as feasible, any search shall be made in such a manner that it is not observed by or known to other students.

d) Nothing in this policy shall be construed to prohibit State School ~~school~~ staff and representatives from various regulatory bodies from entering students' rooms in the course of their normal duties.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.70 Rights and Responsibilities of School Staff (Repealed)

~~School staff shall maintain discipline at the school to insure the proper conduct and safety of the students. In all matters relating to the discipline in and conduct of the school and the school children, these staff stand in the relation of parents/guardians to the pupils. This relationship shall extend to all activities on and off campus connected with the school program and may be exercised at any time for the safety and supervision of the pupils in the absence of their parents/guardians. Nothing in this Section affects the power of the Department to establish rules with respect to discipline.~~

(Source: Repealed at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.80 Food and Nutrition

Each State School ~~school~~ shall:

a) provide food which is prepared and served under sanitary conditions as found in the Department of Public Health's Food Service Sanitation Code at ~~set forth in~~ 77 Ill. Adm. Code 750.

b) provide medically prescribed diets as needed.

c) serve three balanced meals, as approved by the State School's ~~school's~~ medical personnel, each day and shall maintain a record of the menus of the food actually served, which shall be retained and be available for review for a period of at least one year.

(Source: Amended at 23 Ill. Reg. 10220, effective

AUG 10 1999)

Section 830.90 Safety and Sanitation

a) Each State School ~~school~~ shall request:

1) at least an annual inspection by the Illinois Department of Public Health or the local health department of all its buildings which are used by the students. These inspections shall give special attention to dietary service; health service; lavatory, bath, and toilet facilities; pest control; and ventilation.

2) at least an annual inspection of all its buildings and related systems by the State Fire Marshal and/or the local fire department.

3) the resources of the Capital Development Board and the Department of Central Management Services, as needed, in the maintenance and repair of its buildings.

b) Each State School ~~school~~ shall comply with the Illinois Department of Labor's Health and Safety rules set forth at ~~in~~ 56 Ill. Adm. Code 350 in relation to the safety of the State School's employees ~~school's employee's~~ and ~~insofar as they relate to the safety of the school's~~ students.

c) Each State School ~~school~~ superintendent shall fulfill his or her responsibilities for maintaining the State School's ~~school's~~ grounds and buildings in such a manner that there will be no unusual hazards which will endanger students, staff, or the public.

d) To the extent that funds are available, each State School ~~school~~ shall maintain equipment in good repair, but regardless of funds:

1) all boilers shall be installed, maintained, repaired and inspected per 41 Ill. Adm. Code 120, in accordance with the schedules and procedures specified by the State Fire Marshal.

2) all elevators shall be inspected in accordance with the schedules and procedures specified by the responsible agency in the city in which the State School ~~school~~ is located.

3) all x-ray equipment shall be inspected in accordance with the schedule and procedures specified by the Illinois Department of Nuclear Safety ~~Energy and Natural Resources~~ (32 Ill. Adm. Code 310.50).

e) Each State School ~~school~~ shall maintain written plans for such emergencies as fires and tornadoes. The plan for fire drills shall include all of the requirements of the State Fire Marshal's rules concerning fire drills in the State Schools at ~~Marshal contained in~~ 41 Ill. Adm. Code 110.20 and shall be explained to all students and staff. At least one drill each school year shall be at a time when most of the students are normally asleep.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 830.100 Donations

a) Each State School ~~school~~ may accept and hold on behalf of the State, if for the public interest, a grant, gift, or legacy of money or property to the State of Illinois, to the Department, or to any school or program made for any legitimate purpose connected with the State School ~~school~~ or program.

b) The Department shall cause each grant, gift or legacy to be deposited in a distinct fund or in the "DHS State Project Fund" or a fund held locally by a State School ~~school~~, depending on the purpose for which the gift was given.

c) Each grant, gift, or legacy shall be used for the purpose for which it was given. Grants, gifts, or legacies with no designated purpose will be designated by the Associate Director ~~or designee~~ when the value exceeds $500.00. The Superintendent ~~administrator~~ of the facility will place grants, gifts, or legacies less than $500.00 in the Needy Student Fund.

d) If a donation of goods or property is made to the State School ~~school~~ or any of its units, it should be explained to the donor that once such a gift is donated, it becomes state property, unless otherwise stipulated in writing.

e) These funds and the records pertaining to such funds shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.110 Release of Students to Authorized Individuals

a) The State School ~~school~~ will not authorize one of its students to leave campus with an individual(s) other than the student's parents/~~guardian~~, or staff or a student of the State School ~~school~~ unless:

1) the State School ~~school~~ has on file a written statement signed by the student's parents/~~guardian~~ granting permission for the individual(s) in question to take their child off campus, or

2) the student's parents/~~guardian~~ have telephoned appropriate staff to grant permission for the individual(s) in question to take their child off campus. Staff receiving such a call must submit a written memorandum with all pertinent information (i.e., date, time, student's name, name and contact information of person being given permission to take the student, length of time the student will be away, where the student will be) to the superintendent/designee for approval before the student may leave campus.

b) Persons not known to the State School ~~school~~ staff shall be required to provide a driver's license (with photo) or photo identification

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.

c) This policy does not limit students, with the approval of the State School ~~school~~, from leaving campus individually or in groups to participate in off-campus activities.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.120 Use of Motor Vehicles by Students

a) Unless the vehicle is needed to transport the student to and from the State School ~~school~~ or to meet some justifiable short-term need, students at a State School ~~school~~ are not authorized to have or use personal motor vehicles while under the responsibility of the State School ~~school~~. Justifiable short-term needs could include:

1) a potential emergency situation at home, making it desirable for the student to return home on short notice.

2) bringing the vehicle to the State School ~~school~~ to repair it in one of the State School's ~~school's~~ vocational classes as an educational project.

b) Authorization for students to have or use personal vehicles while under the responsibility of the State School ~~school~~ can be approved only by the superintendent. In order for a request for such an authorization to be considered, it must be submitted in writing to the superintendent's office and include:

1) the reason(s) the student needs to have or use the vehicle;

2) the length of time the student will need it;

3) the student's driver's license number;

4) the name of the company, the policy number and the amount of insurance coverage in effect on the student/vehicle;

5) the name of the person who owns the vehicle; and

6) the parents'/~~guardian's~~ signed consent if the student is under 18 years of age or the parents/~~guardian~~ are legally responsible for the vehicle or the insurance on it.

c) All approved authorizations are subject to the following stipulations. The vehicle shall:

1) be used only for purposes (needs) specified in the request as approved by the superintendent;

2) not be used on school days between the hours of 8:00 a.m. and 3:15 p.m. except in emergencies;

3) not be used to transport other students without the specific written consent of those students' parents;

4) not be used as a meeting place to visit; and

5) while on campus and not in use, be parked in the prescribed location and be locked.

d) Any claims for damages to or by the vehicle shall be the responsibility of the student, the parent/guardian, the insurance

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

company or some source other than the State School ~~school~~.

e) ~~Abandoned Vehicles:~~--Unless prior arrangements are made and approved by the superintendent, if any vehicle is left on the State School ~~school~~ grounds 60 days after the last day of the school year and if the owner fails to respond within 10 days to a registered letter from the superintendent, the vehicle shall be declared abandoned.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.130 Student Activities Requiring Approval of Parents~~/Guardians~~

Unless a student is 18 years of age or older:

a) Consent/approval is required at the beginning of each school year for each of the following activities and shall remain in effect for the remainder of that school year or until it is modified or revoked by the parents~~/guardian~~.

1) Competing in interscholastic athletic activities. Each sport in which the student may compete during the year must be listed on the consent form.

2) Traveling out of state on a school-sponsored activity. The date, destination and purpose of each scheduled out of state trip the student may take during the year must be listed on the consent form.

3) Using the student's picture or other identifying information in news releases, brochures or other publication (Section 830.10).

4) Leaving campus with someone other than the student's parents~~/guardian~~ or a staff member or student of the State School ~~school~~ (Section 830.110). Each person who may take the student off campus during the year must be listed on the consent form. Parents ~~Parent/guardians~~ may add or delete names during the year.

b) A specific consent/approval is required prior to each of the following activities and shall remain in effect for only the period specified on the consent form or until it is modified or revoked by the parents~~/guardian~~.

1) Receiving the annual flu vaccination when it is available to the students at the State School ~~school~~ (Section 830.50).

2) Engaging in such religious activities as baptism, first communion, or confirmation.

3) Receiving psychological assessments in such areas as aptitude, general mental ability, personality, achievement and vocational interests (89 Ill. Adm. Code 765 ~~775.10(b)(2)~~).

4) Receiving ongoing individual or group counseling (89 Ill. Adm. Code 765 ~~775.10(b)(2) and (3)~~).

5) Including the student or identifying information about him or her in research projects by universities, other agencies, or by individuals (89 Ill. Adm. Code 505).

c) Students 18 years of age and older that are legally competent have the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

right to sign consent forms on their own behalf.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.140 Visits to State Schools

a) All visits (e.g., parent-teacher conferences, tours of the State School ~~school~~ facilities and contact by outside agencies, individuals, and businesses regarding materials, services and programs) to the State Schools ~~Department of Human Services (DHS) schools~~ from ~~DHS~~ students' parents and family members, community members, and other interested individuals must be scheduled with the appropriate school superintendent ~~administrator~~. This policy does not apply to DHS staff or to anyone who is properly on campus (e.g., Client Assistance Program clients at ICRE-R, visitors to the Heritage Cultural Center and parents and children at the Nursery School at ISD), but only while in an area appropriate to the purpose of the visit.

b) When a visitor to a State School ~~DHS school~~ arrives on campus, the visitor must proceed to the administration office to receive a visitor's permit.

c) Visits must be of a duration and manner which is neither disruptive to ongoing programming nor of a threatening or argumentative nature.

d) The superintendent of the State School ~~school or designee~~ shall terminate a visit, and may report the individual(s) responsible to the proper law enforcement agency, if an individual is:

1) in or about any State School ~~school~~ building or grounds without a valid visitor's permit; or

2) engaged in disorderly conduct.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.150 Behavior Intervention

a) Behavior intervention is a therapeutic measure which is to be used only to prevent a student from causing damage to property or physical harm to himself/herself or others. The following procedures shall be used, as part of a behavior modification or management program. In no event shall restraint be used to punish or discipline a student or as a convenience to staff.

b) Behavior intervention may include physically holding, or otherwise restricting the movement of the student's limbs, head or body. No mechanical or chemical restraint shall be permitted. Medically prescribed or monitored procedures for the treatment of an existing physical condition or the amelioration of a physical disability, such as braces and other medical equipment, are not considered restraints. The partial or total immobilization of a student for the purpose of

performing a medical/surgical procedure is not restraint.

c) Procedures for the use of physical restraint at the State Schools ~~DHS schools~~ are as follows:

1) physical restraint shall be employed in a humane and therapeutic manner. In no event shall restraint be used when it is medically contraindicated (i.e., could adversely affect the health of the student).

2) whenever physical restraint is used with a student whose primary communication is sign language, writing, or computer, the student shall be permitted to have his/her hands free from restraint for brief periods, except when freedom may result in physical harm to the student or others. A staff member skilled in the student's mode of communication shall be in attendance when the student's hands are free.

3) the student must be released from restraint as soon as possible. The use of restraint shall not exceed 30 ~~thirty~~ consecutive minutes.

4) the person who initiates the restraint shall inform his/her supervisor as soon as possible and must submit a written detailed anecdotal report of the cause/conditions that called for the use of physical restraint. The report shall include the date, time, and location that the physical restraint took place. This report will be placed in the student's temporary records maintained by the State School ~~school~~ with a copy to be sent to the parent~~/guardian~~ of the student and through the chain of command to the facility administrator.

d) All direct care staff shall be trained in behavior intervention techniques, including physical restraint, to prevent injury to the students. Documentation of training shall be maintained in the employee personnel files kept at each State School ~~school~~. Employees that have not completed the training may not employ physical restraint.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.160 Profit on Sales from Commissary Stores

a) All profits ~~Profit~~ from the sales from commissary stores shall be deposited in a locally held fund and shall be used for the special comfort, pleasure and amusement of students and employees.

b) The total amount spent on the special comfort, pleasure and amusement of employees shall not exceed the amount of profits derived from sales made to employees.

c) The percentage of the profits made by sales to employees shall be determined by the percentage of employees there are to the total of the student and employee population of each State School ~~school~~.

d) These funds and the records pertaining to such receipts shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.170 Receipts from Athletic, Musical and Other Events

a) The receipts from the sale of tickets to athletic, musical, and other events shall be deposited in a locally held fund. The amount of funds deposited into this account must not exceed $10,000 per facility.

b) Receipts may be used to provide immediate payment to officials, judges and athletic referees for their services rendered at State School ~~school~~ sponsored contests or events. Documentation of payments received must be signed by the recipient and maintained.

c) Receipts may be used to provide students who are enrolled in an independent living program with cash so that they may fulfill course objectives by purchasing commodities and other required supplies. To be eligible for receipt of these funds a student must have little or no financial resources. Documentation of payments received must be signed by the recipient and maintained.

d) These funds and the records pertaining to such receipts shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.180 Transportation Fund

a) The ISD and ISVI shall collect from the local ~~home~~ school district of each resident student the cost of providing transportation between the student's home and the State School ~~school~~ as provided in accordance with Section 14-7.02 of the School Code [105 ILCS 5/14-7.02], the rules of the State Board of Education (23 Ill. Adm. Code 226.960), and the student's Individual Education Program (IEP).

b) A student's local ~~home~~ school district shall be charged for transporting a student home based on the following formula. The State shall be divided into eight concentric circles which are 50 mile wide bands with the center being Jacksonville, Illinois. Each concentric circle, beginning with the zone containing Jacksonville, Illinois, shall be numbered Zones 1 through 8. The circle number shall also act as the multiplier for determining the individual transportation cost for each student (i.e., Circle 1 shall have a multiplier of 1 compared to Circle 8 which shall have a multiplier of 8).

To determine the actual individual transportation cost for each student, the multipliers for all students who will be transported on the same bus will be added together and divided into the charge for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the bus that will transport the students home. This will establish the base transportation cost. This base transportation cost will then be multiplied by the zone multiplier for the individual student to determine the actual transportation cost for the individual student which will be billed to the student's local school **home** district.

c) These funds shall be deposited in a locally held account and shall be used only for the transportation expenses of resident students.

d) This fund and its records shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

Section 830.190 Use of Tobacco Products on State School Property

In conjunction with Section 10-20 of the School Code [105 ILCS 5/10-20] and Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], the Department, under its administrative authority, prohibits the use of all tobacco products on State School ~~school~~ property. For purposes of this Section, tobacco products shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco, which is loose, cut, shredded, ground, powdered, compressed or leaf tobacco. The prohibition against the use of tobacco products is to include school personnel, students, or other persons when on State School ~~school~~ property. No exception to this prohibition will be permitted, including all events or activities before or after the regular school day and on days when the State School ~~school~~ is not in session.

(Source: Amended at 23 Ill. Reg. 10220, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Responsibility for Special Education

2) Code Citation: 89 Ill. Adm. Code 760

3)

Section Numbers:	Adopted Action:
760.10	Repealed
760.20	Repealed
760.30	Repealed

4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11, and 13].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16779

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. The language can now be found at Part 750.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Role of Residential Educational Facilities Operated by the Illinois Department of Human Services

2) Code Citation: 89 Ill. Adm. Code 750

3)

Section Numbers:	Adopted Action:
750.10	Amendment
750.20	Amendment
750.40	New Section
750.50	New Section
750.60	New Section
750.100	New Section
750.110	New Section
750.120	New Section
750.200	New Section
750.210	New Section
750.220	New Section
750.230	New Section
750.240	New Section
750.250	New Section
750.300	New Section
750.310	New Section
750.320	New Section
750.330	New Section

4) Statutory Authority: Implementing and authorized by Sections 3(b), (f) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 (b), (f), and (k)].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 22 Ill. Reg. 16783

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of amendments: This Part is a reorganization and consolidation of existing rules found in other Parts.

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 750
ROLE OF RESIDENTIAL EDUCATIONAL FACILITIES OPERATED BY THE ILLINOIS DEPARTMENT OF HUMAN SERVICES

SUBPART A: EDUCATIONAL PROGRAM

Section
750.10 Legislative Mandate
750.20 Special Education and Related Services
750.30 Demonstration Projects and Research Programs
750.40 Responsibility of State School
750.50 Comprehensive Program
750.60 Rights and Privileges of Students

SUBPART B: LIMITATIONS OF SERVICES

Section
750.100 Legal Authority to Place Students
750.110 Referral of a Student by DHS
750.120 Home and Hospital Programs

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section
750.200 Extent of Fulfilling Responsibilities
750.210 Evaluation Focus
750.220 Evaluation
750.230 Written Reports
750.240 Recognition Status
750.250 Coordination

SUBPART D: SURROGATE PARENTS

Section
750.300 Need for Surrogate Parents
750.310 Withdrawal of Surrogate Parent
750.320 Expenses of Surrogate Parents
750.330 Notification When Surrogate Parent Not Needed

AUTHORITY: Implementing and authorized by Sections 3(b), (f) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), and (k)].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 12, 1982; codified at 6 Ill. Reg. 13792; amended at 12 Ill. Reg. 5450, effective March 8, 1988;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10240, effective AUG 10 1999.

SUBPART A: EDUCATIONAL PROGRAM

Section 750.10 Legislative Mandate

The Illinois Department of Human Services (DHS) has the legislative mandate to operate residential educational facilities for children who have hearing, visual, or physical and health impairments. The ~~three~~ State Schools operated by DHS are:

a) the Illinois School for the Deaf, 125 Webster Street, Jacksonville;
b) the Illinois School for the Visually Impaired, 628 East State Street, Jacksonville, and
c) the Illinois Center for ~~Children's--School--and~~ Rehabilitation and Education - Roosevelt ~~Center~~, 1950 West Roosevelt Road, Chicago.

(Source: Amended at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.20 Special Education and Related Services

The ~~three~~ State Schools provide special education and related services for students from kindergarten through the twelfth grade and enroll students from all areas of the state. Since these State Schools do not provide special education programs for all the students in the state with auditory, visual or physical and health impairments, they should be considered as options in a continuum of special education programs available for such students in Illinois.

(Source: Amended at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.40 Responsibility of State School

The State School shall be responsible for providing and maintaining appropriate and effective education programs, at no cost to the student's parents, for all students who are enrolled therein.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.50 Comprehensive Program

Each State School, independently or in cooperation with local school districts or with other agencies, shall provide a comprehensive program of special education for those children who are enrolled in the State School. A

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

comprehensive program shall include:

a) A viable organizational and financial structure.
b) Systematic procedures for identifying and evaluating the need for special education and related services.
c) A continuum of program options that incorporate appropriate instructional programs and related services.
d) Qualified personnel, consistent with the Personnel Code [20 ILCS 415], who can provide:
   1) Administration of the program.
   2) Supervisory services.
   3) Instructional programs.
   4) Related services.
   5) Transportation services.
e) Appropriate and adequate facilities, equipment and materials.
f) Functional relationships with those public and private agencies that can supplement or enhance the special education programs of the State School.
g) Interaction with parents and with other concerned persons that facilitates the educational development of exceptional children.
h) Procedures for internal evaluation of the special education programs and services.
i) Continuous planning for program growth and improvement based on internal and external evaluation.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.60 Rights and Privileges of Students

The State School shall be responsible for ensuring that those students enrolled enjoy rights and privileges equal to those of all other children. The State School will not expel a student for behavior or a condition that is, or results from, a disability, as defined in the Illinois State Board of Education's rules Special Education (23 Ill. Adm. Code 226.552). Regard shall not be given to whether the disability is the student's primary disability. In the event that a student is expelled for reasons not associated with the student's disability(ies), the State School shall initiate discharge procedures as set out in Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (89 Ill. Adm. Code 827.60).

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

SUBPART B: LIMITATIONS OF SERVICES

Section 750.100 Legal Authority to Place Students

The State Schools do not have legal authority to place students in other

State-operated or private facilities. Placement of students in need of the services of such facilities is handled by the local school district in accordance with 23 Ill. Adm. Code 226.410 through 226.460.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.110 Referral of a Student by DHS

State-Operated or Private Program not Administered by the Department of Human Services (DHS). A student whose disabilities are so profound or complex that no special education program offered by the State Schools can adequately or appropriately meet his/her needs is referred to the local school district with diagnostic data and recommendations for referral to either another State-operated facility, a private facility or other educational program provided by the local school district.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.120 Home and Hospital Programs

The State Schools do not provide home and hospital programs as defined by the State Board of Education at 23 Ill. Adm. Code 226.350 - 226.385. A student requiring home and hospital programs shall be returned to the sending local school district for appropriate educational programming.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section 750.200 Extent of Fulfilling Responsibilities

a) The extent to which the State School is fulfilling its responsibilities to students shall be determined by DHS and the State Board of Education.

b) To facilitate such determination, officials of DHS and the State Board of Education shall be authorized to examine all necessary documentation in a manner consistent with DHS policies on confidentiality at 89 Ill. Adm. Code 505, including student records.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.210 Evaluation Focus

Evaluation by DHS and the State Board of Education shall focus on the State

School's provision of special education services, on each special education cooperative organization of which it is a participant, and on community resources utilized by the State School.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.220 Evaluation

Evaluation of special education programs and services shall be based on all of the following:

a) A Special Education Services Comprehensive Plan. This plan shall describe the State School's provision of special education services, its plan for program involvement, and those factors unique to the individual State School that must be considered in the evaluation. This plan shall be filed with DHS and the State Board of Education and revised at least every 3 years.

b) Continuous Internal Evaluation. The State School shall develop and implement procedures that assess the extent to which students are being adequately served and the effectiveness of each special education program and service.

c) Recognition Criteria for Special Education. These criteria shall be assessed through an in-depth study conducted on site by a team representing special education of the State Board of Education.

d) Records must be maintained to demonstrate compliance with assurances agreed to in the applications for State and federal funds. These records will be monitored by DHS staff and the State Board of Education staff.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.230 Written Reports

Written reports of the results of the evaluation conducted by the State Board of Education and any subsequent recommendations or actions shall be provided to the Associate Director of DHS and the superintendent of the appropriate State School. Reports of the evaluation shall be considered in the public domain.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.240 Recognition Status

The recognition status of the State School shall be affected by its provision of special education services.

(Source: Added at 23 Ill. Reg. 10240, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUG 10 1999

Section 750.250 Coordination

DHS will continue to coordinate its program and activities for hearing, visually and physically/health impaired students with those programs operated or supervised by the State Board of Education.

a) DHS will cooperate with the State Board of Education and will respond to its requests for technical assistance in identifying the need for additional programs for hearing, visually and physically/health impaired students with secondary disabilities.

b) In order to aid the State Board of Education in fulfilling its obligation to coordinate all educational programs for exceptional children, DHS agrees to provide to the State Board of Education by November 1 of each year the names of students with secondary disabilities who were denied admission to the State Schools, together with the reasons for the denial, including a statement of the types of related aids and services the student requires that the State Schools are unable to provide.

c) DHS will cooperate with the State Board of Education in making efforts to identify the statewide need for additional programs or modifications to existing programs for hearing, visually and physical/health impaired students.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

SUBPART D: SURROGATE PARENTS

Section 750.300 Need for Surrogate Parents

The State Schools shall make all reasonable attempts to contact the parents of the student who has been referred. If the parents' whereabouts cannot be discovered and the State School has reason to believe that a surrogate parent is needed, the request for the appointment of such a person shall be sent to the State Board of Education, Legal Department, Springfield.

a) The State School shall provide documentation of its efforts to contact the parents.

b) The State School shall provide information on the racial, linguistic and cultural background of the student whose parents' whereabouts cannot be discovered.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.310 Withdrawal of Surrogate Parent

The State School shall inform the State Board of Education if the student's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

parent becomes known or available. In such cases the services of the surrogate parent shall be withdrawn.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.320 Expenses of Surrogate Parents

The State Board of Education will pay for the services of a surrogate parent as per 23 Ill. Adm. Code 233.750.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

Section 750.330 Notification When Surrogate Parent Not Needed

If the State Board of Education determines that a surrogate parent is not needed, the State School shall be notified, in writing, regarding this decision. As appropriate, this notification shall indicate the reasons for the decision or direct the State School regarding further action in the matter.

(Source: Added at 23 Ill. Reg. 10240, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Rules of Conduct, Discipline, Suspension and Discharge Procedures

2) Code Citation: 89 Ill. Adm. Code 827

3)

Section Numbers:	Adopted Action:
827.10	Amendment
827.20	Amendment
827.30	Amendment
827.35	New Section
827.40	Amendment
827.50	New Section
827.60	New Section
827.70	New Section
827.80	New Section
827.App.A	New Section

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16792

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: Types of infractions have been removed in 827.30. Time frames for disciplinary action have been included in 827.35. Sections 827.50 through 827.80 are new language for this Part

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

that were previously found in Part 755.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 827
RULES OF CONDUCT, DISCIPLINE, SUSPENSION AND DISCHARGE PROCEDURES

Section
827.10 General Applicability
827.20 Infractions by Students
827.30 Disciplinary Actions
827.35 Effective Date of Discipline
827.40 Appeals of Disciplinary Actions
827.50 Discharge
827.60 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed
827.70 Interim Services
827.80 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others
827.APPENDIX A Consequences/Definitions for Disciplinary Action

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 6500, effective March 27, 1987; amended at 12 Ill. Reg. 14700, effective September 2, 1988; amended at 17 Ill. Reg. 6260, effective April 5, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10243, effective AUG 10 1999.

Section 827.10 General Applicability

a) State School staff shall maintain discipline at the State School to ensure the proper conduct and safety of the students. In all matters relating to the discipline in and conduct of the State School and the State School children, these staff stand in the relation of parents to the pupils. This relationship shall extend to all activities on and off campus connected with the State School program and may be exercised at any time for the safety and supervision of the pupils in the absence of their parents. Nothing in this Section affects the power of the Department to establish rules with respect to discipline. ~~The term parent as used in this Part means the natural or adoptive parent, or legal guardian, of the person of a student.~~

b) ~~The Department of Human Services (DHS), operates three schools for exceptional children: the Illinois School for the Deaf (ISD), the Illinois School for the Visually Impaired (ISVI), and the Illinois Children's School and Rehabilitation Center (ICSRC).~~ The disciplinary action taken by staff at these State Schools ~~schools~~ will be progressive in nature. For additional information regarding discipline and the code of conduct, see the Rights, Responsibilities and Procedures Handbook, provided to each parent and student upon admission to a State School. The disciplinary action ~~it~~ will be in response to: the seriousness of the infraction which has occurred; the student's age and and disability ~~exceptional characteristics (as defined in 23 Ill. Adm. Code 226.5) of the involved student~~; and the number of times he or she has been involved in similar behavior. ~~Sufficient flexibility is allowed to enable the responsible staff to exercise sound professional judgement in determining the disciplinary action which will be taken.~~ Each case will be ~~is~~ judged individually by the superintendent or designee in consultation with staff ~~experienced staff~~ who take all relevant factors into consideration when reaching a decision.

c) ~~Although there are elements of punishment in most of the listed disciplinary actions, staff's primary goals in determining and administering discipline are to modify the student's future behavior so he or she will participate more appropriately in the school's programs, and to protect the rights and safety of the other students. Treatment which is basically punitive rather than corrective shall be used only as a last resort.~~

c)d) When State ~~state~~ school staff have been made aware by the student's parents of their desire to be involved in their child's discipline, or when the superintendent ~~or the superintendent's designee, based on their judgement,~~ has determined the incident so serious as to require ~~that~~ parental involvement ~~is needed~~, parents will be notified and informed of ~~fully involved in determining appropriate~~ the discipline disciplinary action taken. In cases of suspension and expulsion, the parent will be notified of the action taken by the State School and of the right to appeal the action in person or by telephone and by written notice. Parents of students over 18 will also receive notification.

d)e) In addition to the disciplinary action contained in Section 827.30, financial restitution will be required when damage results from a student's behavior that requires disciplinary action, and when that damage is to State ~~state~~ property. ~~and is greater than $100.00, the student shall have an impartial appraisal of the losses or damages made.~~ When the amount of damage is determined, through an impartial appraisal, the responsible student will be required to pay ~~immediately pay 50~~ of the cost of the damage upon notification by the superintendent ~~Superintendent or designee of the amount. The Client Financial Analysis form (IL488 0265) will be used to determine the student's and/or family's resources. The amount of payment due for the remainder of restitution will be determined by the Determination Table for Client Participation (89 Ill. Adm. Code 562.Table A).~~ The Student/Parent is responsible for establishing and following through with a payment plan for repayment. If the student and/or parent refuses to cooperate or to follow through on the restitution payment,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

consequences may include the withdrawal of special privileges (i.e., extracurricular activities, graduation).

~~1) If the student is declared a dependent on the latest federal income tax return of the parent, the student and his/her parents will be responsible for paying the damages.~~

~~2) If the student is not a dependent, the student will be responsible for paying the damages.~~

~~3) If the student and/or parent refuses to cooperate or to follow through on the restitution payment, the superintendent shall contact the Accounts Receivable Unit in DHS to begin collection proceedings.~~

(Source: Amended at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.20 Infractions by Students

Infractions of State School policies, including violations of the rules of conduct, may result in disciplinary action. The specific rules of conduct are provided in the State School Handbook, Rights, Responsibilities and Procedures that is provided to parents and students annually at the time of enrollment at the beginning of the State School year (see Appendix A for the list of Consequences/Definitions for Disciplinary Action).

~~The following is the list of activities which the Department has identified as infractions, in a generally ascending order of seriousness:~~

~~a) disturbing a class, a dormitory or other school activity; disrupting school activities by such unacceptable behavior as making noise, inappropriate physical activity or comments;~~

~~b) tardiness: being late to a scheduled activity one is required to attend;~~

~~c) littering: discarding trash or other materials on the floor, grounds or other inappropriate places;~~

~~d) loitering: remaining in an area of the school, for no apparent reason, after being asked by staff to leave;~~

~~e) inappropriate communication: using language or distributing material which is inappropriate for use with the group or individual to which it is addressed such as name calling, profanity, obscenity or derogatory statements;~~

~~f) cheating/lying: being dishonest, untruthful or intentionally deceptive;~~

~~g) insolence: being disrespectful in speech or action;~~

~~h) forged note/excuse: using a note or an excuse which is false or has been modified to mislead a staff person or another student;~~

~~i) smoking: smoking when or where smoking is prohibited or smoking by students under 18 unless with parental consent;~~

~~j) improper bus conduct: improper conduct while riding the bus such as smoking, annoying others, refusing to obey the bus driver or other staff, or endangering health or safety;~~

~~k) cutting class: being absent from a class without authorization;~~

~~l) off-campus without permission: leaving campus without the approval of the appropriate staff or returning to campus later than the scheduled time;~~

~~m) disrespect and insubordination: openly defying school staff, rules or authority;~~

~~n) intimidation/threats to others: threatening someone with the intent to cause that person anxiety or to do or not to do something against his/her will;~~

~~o) gambling: betting or taking part in a game of chance or skill for money or material gain;~~

~~p) unlawful assembly: forming or participating in a group of three or more persons to cause violence, to do unlawful acts or to disturb others;~~

~~q) fighting: engaging in a physical struggle or conflict between two or more individuals with the intent of causing pain or injury;~~

~~r) vandalism: destroying or damaging public or private property in a willful manner. For the purpose of this rule, the term vandalism is limited to damage under $150;~~

~~s) stealing: taking someone else's property without that person's permission. For the purposes of this rule the term stealing is limited to up to $150;~~

~~t) trespassing: entering the land, property or the dormitory room of another person after receiving notice not to enter;~~

~~u) false fire alarm: activating a fire alarm intentionally with knowledge there is not a fire or other reason to use the fire alarm system;~~

~~v) criminal damage to property: destroying or damaging public or private property valued over $150 in a willful manner;~~

~~w) possession/use/or transfer of drugs, alcohol, weapons, or other contraband (e.g., guns, knives, tire irons and clubs); having, using or providing to others illegal drugs, alcoholic beverages, devices designed to produce bodily harm or death, or other contraband (e.g. guns, knives, tire irons and clubs);~~

~~x) extortion: obtaining money or other valuables from another person by force or coercion;~~

~~y) bomb threat: telling someone, falsely, that a bomb exists, or stating the intent to obtain or use a bomb;~~

~~z) assault/battery: inflicting physical pain or injury or beating another person in a violent manner;~~

~~aa) molesting: indecent or unwanted sexual activity with another person (e.g., intimidation, assaults);~~

~~bb) possession/sale of stolen property: having or selling property belonging to another person or the state without the consent of that person or the state;~~

~~cc) break in or forced entry: breaking a lock, window, etc. or using force to get into a building, room, or vehicle;~~

~~dd) robbery: taking the property of another by force or threat of force;~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~ee) arson:--setting-fires-intentionally,-when-there-is-a-probability--they will-cause-property-damage,-bodily-injury,-or-anxiety;~~
~~ff) larceny:--obtaining--another--person's--property--illegally.---For-the purpose-of-this-Part-larceny-applies-to-property--valued--at--$150--or more;~~
~~gg) other:--action-or-conduct-which-is-clearly-inappropriate.~~

(Source: Amended at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.30 Disciplinary Actions

a) The following disciplinary actions can be issued by school staff, as set forth in this Section and in accordance with Section 827.10. No teacher or staff member may use corporal punishment of any form, and may not in any way physically, verbally, emotionally or sexually abuse students. Additionally, there shall be a review of the recommended discipline to determine if a behavior management plan is either in effect or needed prior to any disciplinary action being taken. A behavior management plan is developed only for serious infractions. If the student has a behavior management plan, the IEP team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary. All IEP meetings shall be held 10 working days prior to any such discipline involving a change in placement or suspensions of more than 10 days in a school year. Behavior intervention techniques are found at 89 Ill. Adm. Code 830.150. A behavior management plan shall not be developed for items listed in subsections (a)(1)-(5) below.

1) Counseling - Any staff person working directly with students may informally counsel a student on a given time-limited, relatively uncomplicated matter. However, ongoing or complex counseling requiring specialized professional skills must be reported to the superintendent via the administrative chain of command.

2) Verbal reprimand - A verbal reprimand can be issued by any staff person for behavior which is not consistent with State School policy or acceptable conduct.

3) Written ~~A-written~~ reprimand - A written reprimand can be issued by educational and dormitory staff if they observe the student in activities which warrant such action. Administrative staff can also issue written reprimands upon the recommendation of the appropriate staff or on their own.

4) Special assignment of duties - Special assignment of duties can only be issued by staff having direct responsibility for the student.

~~A)~~ Special assignments requiring more than 3 hours but fewer than 5 hours ~~of-the-student's~~ time or being issued by a staff person who has issued a prior special assignment to the student, must receive prior approval from the staff person's supervisor.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~B) Special--assignments--requiring--more--than--5--hours-of-the student's-time-must-receive-prior-approval-from-the-school's superintendent-or-the-superintendent's-designee.~~

5) Referral to principal's office - Teachers may send a student who is disruptive to the principal's office during the class period. The principal will take action based upon the teacher's referral and will decide upon further discipline if appropriate.

6)~~5)~~ Retention after ~~retention-After~~ State School - A teacher may who retain ~~retains~~ a student for up to ~~more-than~~ 1 hour a day for three days per State School year without prior approval of the teacher's supervisor. Retaining a student beyond that number of hours requires the prior approval of the responsible teacher's supervisor. ~~for--three-days-per-year-must-receive-prior-approval from-the-teacher's-supervisor.~~

~~6) Supervised-Study-----A-teacher-who-assigns-supervised-study-to--a student--for-more-than-3-hours-per-week-for-more-than-2-weeks-per year-as-a-disciplinary-action,-must-receive-prior-approval-by-the teacher's-supervisor.~~

7) Detentions - Teachers may refer students for detentions to their respective principal. The principal will review the matter and determine if and when a detention is assigned to a student.

8)~~7)~~ Withdrawal of Privileges - Privileges, such as ~~extra-curricular~~ or social activities, may be withdrawn ~~will--be--issued~~ by appropriate State School ~~school~~ staff and/or school administrators based upon the seriousness of the student's infractions.

9) Contract - A contract is a written agreement that the student, educator, and administrator compose together with the goal of modifying the student's behavior within a designated time period.

~~b) The-following-disciplinary-actions-must-be-approved-by--a--supervising teacher--or-supervisor-of-child-care,-as-set-forth-in-this-Section-and in-accordance-with-Section-827.10.~~

10)~~1)~~ Schedule change ~~Change~~ - Staff working directly with a student may recommend schedule changes that they believe would help resolve a disciplinary problem and would benefit the involved student(s). Such changes may not be made, however, without the prior written approval of the appropriate principal and the supervisor of residential care. ~~Changes--in--the--student's individualized---Education---Program---(IEP)----resulting----from disciplinary--needs--require--prior-notification-to-the-student's parents.~~

11)~~2)~~ Restriction to campus ~~Campus~~ - A student may be restricted to campus with the prior approval of: ~~Restricting-a-student-to campus-does-not-apply-to-scheduled-school-vacation-time.~~

A) the principal or the supervisor of residential care, depending upon where and when the infraction occurred, if the recommended period of the restriction does not exceed

one week;

B) the superintendent if the recommended period of restriction is over one week; however, this authority may not be delegated if the recommended restriction is two weeks or more.

~~A) If the restriction to campus is less than 1 week, the supervising teacher or supervisor of child care must approve the restriction.~~

~~B) If the restriction to campus exceeds 1 week but is less than 2 weeks, the superintendent's or the superintendent's designee must approve the restriction.~~

~~c) Restriction to Classroom During Day and to Dormitory Room at Other Times~~

~~1) If the restriction is for 2 days or less the dorm supervisor must approve the restriction.~~

~~2) If the restriction is more than 2 days, the superintendent or designee must approve the restriction after reviewing all relevant facts.~~

~~d) The following disciplinary actions must receive prior approval from the superintendent or designee, as set forth in this Section and in accordance with Section 827.10.~~

12) Restriction to classroom/dormitory - A student may be restricted to the classroom or dormitory for a specific period of time, but:

A) if the restriction is for two days or less, the principal or dorm supervisor must approve the restriction.

B) if the restriction is more than two days, the superintendent must approve the restriction following a meeting with involved staff to review all relevant facts.

13) Structured Study/Selective Isolation - A guided instructional program, conducted in a setting away from other students, designed to help students concentrate on their academic program and at the same time receive counseling and an education time block focusing on the particular infraction that occurred. This disciplinary alternative to suspension must be approved by the superintendent prior to implementation.

14)~~1)~~ Suspension from the dormitory but not ~~Dormitory But Not~~ from the State School - Residential care staff or their supervisors may recommend to the superintendent the suspension of a student from the dormitory but not from the State School for a specific number of days, but the suspension shall not become effective until the superintendent has: ~~Such suspension shall not become effective until the superintendent has:~~

A) held an ~~a~~ in-house multidisciplinary staffing to determine whether such action is appropriate in relation to the disciplinary infraction;

B) held a discussion ~~discussions~~ with the student's parents ~~or legal guardian~~ and has determined that an appropriate alternative living arrangement will be made by the parents

for the student during the period of the suspension; ~~and~~

C) notified the DHS-ORS Director of Educational Services of the pending action and the reasons for it; and

D)~~C)~~ notified the local school district ~~local education agency of parental/student residence (LEA)~~ of the pending action.

If IEP contains residential components, an IEP meeting must be held prior to implementation of disciplinary action.

15) Expulsion from the dormitory but not from the State School - Residential care staff or their supervisors may recommend to the superintendent the expulsion of a student from the dormitory, but not from the State School, but the expulsion shall not become effective until the superintendent has reviewed all relevant facts and has:

A) held an in-house multi-disciplinary staffing to determine whether such action is appropriate in relation to the disciplinary infraction;

B) held discussions with the parents/guardians and determined that they will provide an appropriate, permanent, alternative living arrangement for the student;

C) discussed the legal implications with the DHS Legal Unit;

D) received prior approval for the action from the DHS Director of Educational Services;

E) notified the local school district of parental and student residence of the pending action; and

F) revised the student's IEP.

~~2) Expulsion From the Dormitory But Not From the School Such expulsion shall not become effective until the superintendent has reviewed all relevant facts and has:~~

~~A) held a multidisciplinary staffing to determine whether such action is appropriate in relation to the disciplinary infraction;~~

~~B) held discussions with the parents and determined that they will provide an appropriate, permanent, alternative living arrangement for the student;~~

~~C) received prior approval for the action from the Associate Deputy Director of Educational Services, after the Associate Deputy Director has discussed the action with the Legal Division;~~

~~D) notified the LEA of the pending action; and~~

~~E) revised the student's IEP.~~

~~3) Suspension From School Such suspension shall not become effective until the superintendent has:~~

~~A) reviewed all relevant facts and has notified the parents and the LEA in writing of the pending action and the appeal process pursuant to Section 827.40. Notification must be made within 10 school days from the date of the superintendent's review. If it is an emergency situation, notification may then be made by telephone with written~~

~~confirmation following.~~

~~B) ensured the suspension is being handled in accordance with 89 Ill. Adm. Code 755.260; and~~

~~C) consulted with the Associate Deputy Director of Educational Services who will consult with the General Counsel in DHS, if the total of all suspensions in the given school year will be more than 10 days.~~

~~e) Change of placement from the school can only be done with the prior approval of DHS. Change of placement will only be used for cases of serious infractions which pose a significant threat to the safety or rights of the student or others.~~

~~1) Prior to the change of placement, the student can be temporarily suspended pending an investigation of the situation by the school superintendent. The total of all suspensions cannot be more than 10 school days in the aggregate for the school year. The suspension will be administered pursuant to 89 Ill. Adm. Code 755.260.~~

~~2) By the onset of the suspension, notification of the suspension, investigation, multidisciplinary staffing, and appeal procedures must be given to the student's parents and the LEA.~~

~~3) The superintendent's investigation must be completed during the first 5 school days of the suspension and will consist of:~~

~~A) reviewing all available evidence and extenuating circumstances;~~

~~B) interviewing school staff and students, as appropriate;~~

~~C) holding a multidisciplinary staffing which includes the student, the parents, and the LEA, if possible;~~

~~D) obtaining as much input as possible from the involved student, the student's parents, and the LEA;~~

~~E) reviewing all information in 89 Ill. Adm. Code 755.260 to determine if all past and proposed actions are consistent with requirements; and~~

~~F) discussing the issue with the Associate Deputy Director of Educational Services, who must discuss it with the General Counsel of DHS.~~

~~4) Based on the findings of the investigation, the Superintendent will decide whether to recommend expulsion to the Department.~~

~~5) The Department shall base the decision to expel on the documentation provided and the criteria contained within this subsection. The Department's decision must be reached during the second 5 school days of the student's suspension.~~

16) Suspension from State School - The suspension shall not become effective until the superintendent has reviewed all relevant facts and has notified the parents/guardians by telephone. The phone call is followed by written notification sent to the parents/guardians and a copy of such notification is sent to the local school district. Notification must be made within 10 school days from the date of completion of the review.

17) Expulsion from State School - Expulsion from the State School can only be done with the prior approval of the Associate Director of DHS-ORS. Change of placement will only be used for cases of serious infractions that pose a significant threat to the safety or rights of the student or others. The student can be immediately suspended for up to 10 days pending an investigation of the situation by the superintendent.

b) The Associate Director must expel a student who brings a gun or dangerous weapon on campus and such expulsion shall take effect immediately as is required by the Gun Free Schools Act (20 USC 8921) and Section 10-22.6 of the School Code.

(Source: Amended at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.35 Effective Date of Discipline

a) All discipline except as discussed in subsection (b) of this Section will take place immediately or in the time frame established by the staff person determining the discipline.

b) In cases of suspensions of 10 days or more, changes of placement, or expulsion, the action taken will not take place until an appeal, if taken, has been exhausted unless the situation poses a danger to the student or others or the expulsion is required by the Gun Free Schools Act (20 USC 8921) and Section 10-22.6 of the School Code.

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.40 Appeals of Disciplinary Actions

a) Actions taken by DHS in conformance with this Part are appealable through procedures as set forth in this Section. ~~The parents can waive steps one and two and begin the appeal at step three. In such cases the superintendent will involve the person who imposed the disciplinary action as well as that person's supervisor. Similarly, with the parent's consent the Department can combine steps 4 and 5.~~

b) In cases of suspensions of more than 10 days and changes ~~change~~ of placement including expulsion, the proposed discipline ~~action~~ will not take place until the appeal has been exhausted, unless the student is a danger to self or others. Suspensions of more than 10 days or changes of placement may be appealed directly to the Director of Educational Services or through Impartial Due Process Hearing (89 Ill. Adm. Code 828).

c) If the student receiving the discipline and/or his/her parents are dissatisfied with disciplinary actions taken, they can appeal as follows:

~~1) The student and/or his/her parents should review 23 Ill. Adm.~~

~~Code-226.605-to-determine-whether-the-issue-involved-qualifies-as-a-reason-for-requesting-an-impartial-due-process-hearing.--If--it-does,--89-Ill.-Adm.-Code-800-should-be-followed.--If-the-issue-to-be-appealed-involves-the-provision-of--vocational--rehabilitation-services,--"Appeals--and-Hearings"-(89-Ill.-Adm.-Code-510)-should-be-followed.--Both-23-Ill.-Adm.-Code-226.605--and--89--Ill.--Adm.-Code--800--are--included--in--the-Resource-Supplement-Handbook-on-Rights-and-Responsibilities-Procedures.~~

1)~~2)~~ Step 1. When the action is appealable under this Section, the student and/or parents should, within 3 school days after learning or being informed by the school of the disciplinary action, ask the staff person who imposed the disciplinary action for a meeting to explain the student's and/or his/her parents' position. The student and/or parents may request that the supervisor of the staff person imposing the discipline, as well as the superintendent, be present at the meeting.

~~3) Step-2.--If-the-matter-is-not-resolved-to--the--student's--and/or-parents'--satisfaction-at-the-meeting,-the-student-and/or-parents-should,-within-3-school-days-after-meeting-with--the--person--who-imposed--the--disciplinary--action,--request--a--meeting-with-the-supervisor-of-that-person.~~

~~4) Step-3.--If-the-matter-is-not-yet-resolved,--the--student--and/or-his/her--parents--should,-within-3-school-days-after-meeting-with-the-supervisor,-request-a-meeting-with-the--superintendent.---The-superintendent-may-approve-a-designee-to-conduct-the-meeting.~~

2)~~5)~~ Step 2~~4~~. If the matter is ~~still~~ not resolved, the student and/or parents should, within 3 school days after meeting with the superintendent, write a letter to the ~~Associate-Deputy~~ Director of Educational Services requesting a meeting~~. with--the Associate-Deputy-Director-or-designee.~~

~~6) Step--5.---If--the--matter-is-still-not-resolved-to-the-student's and/or-parent's-satisfaction,-the-student-and/or-his/her--parents should,--within--3--school--days-after-meeting-with-the-Associate Deputy-Director-of-Educational-Services,-write-a--letter--to--the Secretary--of--BHS-requesting-a-meeting-with-the-Secretary-or-the Secretary's-designee.~~

d) For Step ~~steps~~ 1, ~~2 and 3~~ the meeting must take place within 4 school days after ~~of~~ the date the request is received. For Step ~~steps~~ 2, ~~4 and 5~~ the meeting must take place within 5 working days after ~~of~~ the date the written request is received.

e) A student has the right to be accompanied or assisted by his/her parents, or other representative ~~adult~~ of the student's choosing, at any or all of the meetings. Any expenses which result from involving the adults must be borne by the student or some source other than the State School ~~school~~.

(Source: Amended at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.50 Discharge

A student may be discharged from a State School when:

a) The student graduates from high School.

b) The student reaches age 21. The student who becomes 21 during the school year shall be allowed to complete that year.

c) The student's parents move out of State, unless a parent is a member of the armed forces.

d) The student's parents request the discharge.

e) It has been determined through a multidisciplinary case study evaluation conducted in accordance with Section 827.60 that the student is inappropriately placed.

f) The student is absent for 60 consecutive school days and the parents either cannot be reached or will not provide information indicating the reasons for the absence or the anticipated date the student will return. In such cases, the State School shall contact the local school district about whether the student will return (e.g., due to long term hospitalization, death, change of residence) and request assistance in locating and/or working with the parents.

g) The student is expelled for behavior or a condition that is not, or does not result from, his or her disability(ies), as defined in the State Board of Education's rules Special Education (23 Ill. Adm. Code 226.552).

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.60 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed

a) When the State School's administrators, faculty members, other staff, or consultants have reason to believe that a student at the State School is inappropriately placed, a case study evaluation will be conducted. The evaluation will not be limited to the student's primary disability, but will include any disability that may be relevant to the determination that the student is or is not appropriately placed at the State School. Case Study Evaluation to Determine Need for Modification of Educational Service (89 Ill. Adm. Code 795.30) sets forth additional requirements.

b) The parent(s) and the local school district will be informed of the reasons for the case study evaluation and the kind of data the evaluators intend to develop. The evaluation shall be subject to parental consent.

c) In interpreting evaluation data and in making placement decisions, the State School will:

1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;

2) ensure that information obtained from all such sources is documented and carefully considered; and

3) ensure that the placement decision is made by a group of persons, knowledgeable about the student, e.g., parents, educators, psychologist, social workers, student care specialists, supervisors, administrators, medical practitioners and others knowledgeable about the student and/or the evaluative data.

d) A decision to terminate the placement of a student at the State School must be made in accordance with Section 827.50 of this Part. A conference will be held that includes, at a minimum, the following participants:

1) A representative of each department of the State School, other than the student's teacher, who is qualified to provide, or supervise the provision of, special education. Such divisions include educational, residential, medical, social services, evaluation, and administration;

2) The student's teacher;

3) One or both of the student's parents;

4) The student, as appropriate, if the social worker or a conference participant requests his/her attendance, or the student is 17 years of age or older;

5) A representative of the local school district of parental/student residence; and

6) Other individuals, at the discretion of the parent, the local school district or the State School. Other individuals are allowed who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

e) The recommendation of the conference will be the consensus of the participants, in accordance with Recommendations (89 Ill. Adm. Code 795.60). The conference participants will prepare a written statement detailing the reasons for the termination, including the type of services the participants believe the student needs and the reasons the State School cannot provide those services.

f) The termination of a student's placement is an appealable issue under Impartial Due Process Hearing (89 Ill. Adm. Code 828). The State School will inform the parents of their right to request an impartial hearing should the conference recommend termination of the student's placement.

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.70 Interim Services

a) If the decision of the conference is to terminate the student's placement at the State School, the conference will recommend, at the request of the local school district, an appropriate placement for the student and/or interim services for the student at the State School.

Such services shall be as appropriate to the student's needs as possible and continue to be provided for no more than 20 calendar days after the local school district has been notified. This allows time for the local school district to locate the appropriate placement for the student. Such obligation shall terminate if the student refuses to remain on campus or if the parent(s) refuses to allow the student to remain on campus. Further, such obligation is limited solely to such services as may be provided on the State School's premises.

b) In those circumstances in which the conference concludes that the student represents so substantial a danger to self, others or State School property that the only appropriate placement is beyond the State School's authority to provide, in accordance with Sections 10, 11 and 13 of the Disabled Persons Rehabilitation Act (e.g., homebound or hospital instruction, or that the student is unable to adjust to group living) the conference may recommend that the State School is not an appropriate placement for interim services. Any such changes in placements shall be made only in accordance with Section 827.80.

c) The State School will implement the recommendations of the conference and will provide interim services to the student for up to 20 calendar days (depending on the recommendation of the conference) unless the local school district locates an appropriate placement within less time. An interim IEP must be developed and sent to the local school district.

d) The modifications to the student's program will be initiated as soon as possible after the decision to terminate the placement of the student at the State School and the agreement to the amount and type of interim services to be offered.

e) The modifications to the student's program during the 20-calendar-day interim period shall be made according to the procedures set forth in 89 Ill. Adm. Code 795.90-795.120 or Section 827.80.

f) Subsections (a) and (c) in no way modify the obligation of the local school district to provide a free appropriate public education to qualified students with disabilities within its jurisdiction, nor do these subsections modify the obligation of the local school district to locate an appropriate placement as soon as possible after the decision to terminate the student's placement at the State School has been made.

g) Under subsections (a) and (c) the State School shall not be required to maintain the student on campus or to provide services during scheduled breaks, shutdowns, or summer vacations.

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.80 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others

a) A suspension barring the student from both the educational and the

residential components of the State School for not more than 10 consecutive State School days in one State School year is not a significant change in placement or a discharge.

b) A suspension for greater than 10 State School days in one State School year for any reason is a significant change in placement under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and is appealable pursuant to Impartial Due Process Hearing (89 Ill. Adm. Code 828).

c) State School staff do not have unilateral authority to significantly change a student's placement, except pursuant to subsections (g) and (h).

d) The State School may suspend a student for no more than 10 days in one State School year when suspension is warranted due to the physical danger to the student, others, or State School property caused by the student's presence, even when the behavior results from the student's disability. Suspensions made pursuant to this Section shall be made in accordance with the procedures established in Section 827.30.

e) If the State School's administrators, faculty members, other staff, or consultants have reason to believe that the suspended student is inappropriately placed at the State School, the State School will initiate discharge procedures, as set out in Section 827.50.

f) If warranted because a student is an immediate physical danger to self or others, the superintendent or designee may restrict a student's extracurricular activities within the State School of the student during the pendency of due process proceedings.

g) The superintendent of the State School may also suspend, for no more than 10 days, the student who is an immediate danger to self or others during the pendency of due process proceedings.

h) The State School may not unilaterally cease to provide services to a student during the pendency of due process proceedings. If the student, however, represents so substantial a danger to self or others that the only appropriate placement is beyond the State School's capability to provide (e.g., hospital or home bound instruction), the State School can make a request for an expedited hearing.

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

Section 827.APPENDIX A Consequences/Definitions for Disciplinary Action

Level 1	Definition	1st Offense	2nd Offense	3rd Offense
1. Tardiness	Being late to a scheduled activity one is required to attend (TAR).	Counseling/verbal warning	Counseling/verbal reprimand	1 day detention
2. Littering	Discarding trash or other materials on the floor, grounds or other inappropriate place (LIT).	15-30 minutes clean-up duty	One hour clean-up duty on campus	Two hour clean-up duty
3. Possession of tobacco products on school grounds for students under 18	Possessing tobacco products (PTP).	Counseling/verbal warning/ phone parents	1 day detention/dorm restriction/ counseling/ phone parents	3 day detention/dorm restriction/ counseling/ phone parents
4. Failure to complete assignments	Failing to completely follow through on an assignment or duty given by a staff member (FAI).	Counseling/verbal reprimand/ 1 day detention	2 day detention/dorm restriction	3 day detention/dorm restriction
5. Loitering	Remaining in an area of the school/dorm for no apparent reason after being asked by staff to leave (LOI).	1 day detention/dorm restriction/ verbal reprimand	2 day detention/dorm restriction	3 day detention/dorm restriction

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

6. Abusive language/ profanity	Using language that is inappropriate for use with the group or individual to which it is addressed, such as name calling, profanity, obscenity, or derogatory comments (ABU).	1 day detention/dorm restriction/ counseling/ verbal reprimand	2 day detention/dorm restriction	3 day detention/dorm restriction/ contract
7. Cheating/ lying	Being dishonest, untruthful, or intentionally deceptive (CHE).	1 day detention/counseling/ verbal reprimand	2 day detention/dorm restriction	3 day detention/dorm restriction/ withdrawal of privileges (town, trips, etc.)
8. Bus/ public transportation misconduct	Improper conduct while riding the bus, such as smoking, annoying others, refusing to obey the bus driver or other staff, or endangering the health and safety of bus passengers (BUS).	Assigned seat on next trip	Suspension from bus privileges on next trip/phone parents	Bus suspension for remainder of school year/ phone parents
9. Insolence	Being disrespectful in speech or action (INS).	Counseling/verbal reprimand/ 1 day detention/dorm restriction	2 day detention/dorm restriction	3 day detention/dorm restriction
10. Disruptive conduct	Inappropriate class behavior or disruption of an academic, recreational, or planned dorm activity (DIS).	Counseling/verbal reprimand/ 1 day detention/dorm restriction	2 day detention/dorm restriction	3 day detention/dorm restriction

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

11. Unauthorized petition	A student passes a petition around school/ dorm without permission from authorized administrative personnel (UNP).	1 day detention/dorm restriction/ parents involved/ verbal reprimand	2 day detention/counseling/inform parents	3 day detention/inform parents/dorm restriction
12. Unauthorized/ inappropriate use of computer equipment	Use of school equipment without staff permission when the opportunity for educational advancement does not exist (i.e., internet pornography, altering or theft of another individual's computerized equipment) (COM).	Based on consequences delineated in "Computer Contract"	Based on consequences delineated in "Computer Contract"	Based on consequences delineated in "Computer Contract"
13. Aggressive behavior	Physical or verbal inappropriate and unacceptable behaviors toward another student or	1 day detention/dorm restriction/ counseling	2 day detention/dorm restriction	3 day detention/dorm restriction

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

	staff member; socially unacceptable behavior that may endanger the student, people within the surrounding environment or the environment itself (AGG).			
14. Public display of affection	Socially unacceptable and/or inappropriate physical contact during the school day and other school and dormitory social functions (example: hugging, kissing) (PDA).	Counseling/ verbal reprimand	Counseling/ verbal reprimand/1 day detention/ dorm restriction	Counseling/ verbal reprimand/1-3 day detention dorm restriction
15. Sexual misconduct	Sexually unacceptable and/or inappropriate sexual physical contact with another person (example: playing doctor, grabbing, touching) (SXI).	Counseling/ verbal reprimand/1 day detention/ dorm restriction/contact social worker/ phone parent	Counseling/ verbal reprimand/2 day detention/ dorm restriction/phone parent/ contact social worker	Counseling/3 day dorm restriction/ 1-3 day selective isolation or suspension/ phone parent/ contact social worker
Level 2	**Definition**	**1st Offense**	**2nd Offense**	**3rd Offense**

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

16. Possession/ use of tobacco products on school grounds	Tobacco use is prohibited on school grounds (see smoke-free environment policy) (SMI).	1 day detention/dorm restriction	3 day detention/dorm restriction with NO use of tobacco products/ phone parents	1 week detention/dorm restriction with NO use of tobacco products/ phone parents
17. Cutting class	Being absent from class without authorization (CUT).	Extra work/ 1 day detention/dorm restriction	Extra work/ 2 day detention/dorm restriction/ phone parents	3 day detention/dorm restriction/ truancy charges filed/extra work/phone parents
18. On/off campus without permission	Being on or off campus without proper authorization or notification to staff (PER).	Revoke on/ off campus privileges for 2 weeks	Revoke on/ off campus privileges for 1 month/ phone parents	Revoke on/ off campus privileges for 1 semester/ phone parents
19. Unauthorized distribution of printed material	The sharing of inappropriate and unacceptable computer, hard-copy, video, or any other commercially produced materials with other students and/or staff members (UND).	Counseling/ verbal reprimand/1 day detention/ dorm restriction	2 day detention/dorm restriction/ phone parents	Phone parents/ dorm restriction/possible 1 day selective isolation or suspension
20. Disrespect/ insubordination	Failing to follow directions given by a staff member; being disrespectful to a	Counseling/verbal reprimand/1 day detention/ dorm restriction	2 day detention/dorm restriction/ phone parents	Phone parents/ dorm restriction/possible 1-3 day selective isolation or suspension

	staff member or another student (DIN).			
21. Intimidation/ threats to others	Verbal or physical action that may result in physical and/or emotional harm to others (INT).	1 day detention/dorm restriction/ counseling/ possible 1 day isolation or suspension	2 day detention/dorm restriction/ counseling/ possible 1 day isolation or suspension	Phone parents/ possible 1-3 day selective isolation/ suspension/ police notified
22. Fighting	Engaging in a physical struggle or conflict between two or more individuals with the intent of causing pain or injury (FIG).	1-2 day detention/dorm restriction/ counseling/ possible 1-3 day selective isolation or 2 day suspension	3-5 day detention/3-5 day dorm restriction/phone parents/1-3 day selective isolation/3 day suspension	Phone parents/ dorm restriction/2-3 day selective isolation/5 day suspension
23. Sexual misconduct	Knowingly behaving in such a way that is in violation of school and social rules, policies and norms concerning sexual behavior whether or not the individuals involved consent to the act (SXM).	7 day dorm restriction/ no on-campus privileges/ counseling/ phone parents	7 day room restriction/ counseling/ phone parents	Phone parents/ 3-10 day suspension from school
24. Theft	Taking someone else's property without that persons's	Phone police/ parents/ restitution/ counseling/	Phone police/ parents/restitution/1-3 day selective	Phone police/ parents/restitution/3 day selective

	permission -- for the purpose of this code, stealing is limited to items valued under $100 (THF).	1-5 day detention/dorm restriction	isolation/3 day suspension/counseling	isolation/5-7 day suspension/counseling
25. Trespassing	Entering the land, property, or dormitory room of another person after receiving notice not to enter (TRE).	3 day detention/dorm restriction/ counseling	Phone parents/ possible police intervention/ 1 day selective isolation/1 day suspension/ counseling	Phone police/ parents/3 day selective isolation/ 5-7 day suspension/ counseling
26. Gambling	Betting or taking part in a game of chance or skill for money or material gain (GAM).	Phone police/ parents/1 week detention/ dorm restriction/counseling	Phone police/ parents/1-3 day selective isolation/ 1-3 day suspension/ counseling	Phone police/ parents/3 day selective isolation/ 5-7 day suspension/ counseling
27. Criminal damage to property (under $100)	Destroying or damaging public or private property in a willful manner -- for the purpose of this code, property damage is limited to damage under $100 (VAN).	Restitution/ phone police/ parents/ counseling/ 3 day dorm restriction/ detention	Restitution/ 1-3 day selective isolation/3 day suspension/ counseling/ phone police/ parents notified	Restitution/ phone police/ parents/3 day selective isolation/ 5-7 day suspension/ counseling
28. Criminal damage to property	The willful destroying or damage of	Restitution/ phone police/ parents/	Restitution/ phone police/ parents/3 day	Restitution/ phone police/ parents/3 day

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

over $100)	public or private property valued over $100 (CRI).	counseling/ 1-3 day selective isolation/ 2 day suspension	selective isolation/ 3 day suspension/counseling	selective isolation/ 5-7 day suspension/ counseling
29. Unlawful assembly	Forming or participating in a group of 3 or more persons to cause violence, to do unlawful acts, or to disturb others (UNL).	2 day detention/dorm restriction	Phone parents/ 3 day detention/dorm restriction/ detention	Phone parents/ 5 day detention/5 day dorm restriction/possible 1-3 day selective isolation/3 day suspension
30. Forgery	Forging any document or using a forged document (FOR).	1-3 day detention/dorm restriction/ phone parents	1-3 detention/dorm restriction/ phone parents	Detention/ dorm restriction/possible 1 day selective isolation/ possible suspension/phone parents
31. Other (Level 2)	Staff of the State Schools reserve the right to use professional discretion to classify infractions not listed above as Level 2 infractions, as factors such as surrounding circumstances and new situation can affect incidents (OT2).	*Consequence decided upon severity of offense	*Consequence decided upon severity of offense	*Consequence decided upon severity of offense
Level 3	**Definition**	**1st Offense**	**2nd Offense**	**3rd Offense**

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

32. Excessive violations	Students with multiple discipline code infractions (EXV).	Parent conference/contact LEA/5-10 day suspension	7-10 day suspension/IEP/ MDC	A manifestation determination will be completed on all Level 3 offenses at an IEP meeting
33. Absent from school without authorization	Absent from school without a valid excuse (AWA).	Phone parents/ contact LEA/1-5 day detention/ dorm restriction/counseling	Phone parents/ contact LEA/ possible 1-3 day selective isolation/ 1-10 day suspension	
34. Truancy	See Illinois School Code Secs. 26-3d through 26-15 (TRU).			
35. Gangs and secret societies	Recruitment for gang/cult membership; possession, display or use of gang/cult emblems, symbols, language inciting other students to intimidate, threaten or act with physical violence upon any other person (GSS).	Phone police/ parents/ contact LEA/1-10 day suspension/ possible expulsion	Phone police/ parents/ contact LEA/1-10 day suspension/ possible expulsion	
36. Possession of illegal materials	Holding of any material that is statutorily illegal (ILL).	Confiscate/ phone police/ parents/1-3 day selective isolation/ 3 day suspension	Phone police/ parents/ contact LEA/ 5-7 day suspension/IEP/MDC	
37. Threat to use dangerous weapon	Any written or verbal threat to use a dangerous	Phone police/ parents/ immediate suspension	NOTE: The Gun-Free Schools Act of 1994	WEAPON - Illinois School Code Expulsion period. The

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

	weapon to inflict harm on others (TEA).	pending convening IEP	requires that the student be expelled from school for a period of not less than one year. If a student is determined to have brought a weapon to school under the jurisdiction of the agency (ISD), then such policy shall be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and may allow the chief administering officer of the agency, after a multidisciplinary team has determined whether a relationship exists between the conduct and the disability, to modify such expulsion requirement for a multidisabled student on a case-by-case basis. School	board may a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. Mandatory expulsion. A. student who is have brought a weapon to school, any school sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a perio of not less than one year, except that the expulsion period may be modified by the board on a case-by-case basis. For purposes of this offense, the term "weapon" means possession, use, control or transfer of any object that may be used to cause bodily harm, including but notn limited to a weapon as defined by 18 USC 921, including BB guns
38. Possession/use/transfer of a dangerous weapon	Possession/use/transfer of any item that is used with the intent of causing bodily harm (WEA).	Confiscate weapon/inform police/phone parent/contact LEA/suspension/expulsion		

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

			personnel may order a change of placement for up to 45 days if the student carries a weapon to school or to a school function	and firearms as defined in Section 1.1 of FOID, Use of Weapon, as defined in Section 24-1 of the Criminal Code, knives, guns, firearms, rifles, shotguns, brass knuckles billy clubs, or "look-alikes". Such items as baseball bats, pipes, bottles, locks, sticks, pencils, and pens may be considered weapons if used or attempted to be used to cause bodily harm. Reference: 105 ILCS 5/10-22.6
39. Hazing	Any activity, tradition or amusement engaged in by students for the purpose of embarrassing or hurting another student (HAZ).	Phone police/parents/contact LEA/1-3 day selective isolation/5 day suspension/counseling/IEP/MDC	Phone police/parents/contact LEA/3 day selective isolation/10 day suspension/IEP/MDC	
40. Possession of over the counter medications/drugs	Any student possessing legal medications (OCM).	Phone parents/1-2 day selective isolation/1-2 day suspension/counseling	Phone parents/3 day selective isolation/1-10 day suspension/contact LEA	

41. Possession of drug paraphernalia	Any student possessing materials that can be used to ingest illegal drugs (PDP).	Phone police/ parents/ 1-2 day selective isolation/ 1-2 day suspension/ counseling	Phone police/ parents/contact LEA/3 day selective isolation/ 1-10 day suspension	
42. Possession of drugs or alcohol	Possession of illegal drugs/ alcohol/ look-alikes is strictly prohibited (DRU).	Phone police/ parents/contact LEA/1-3 day selective isolation/ 5-10 day suspension/ counseling	Phone police/ parents/contact LEA/1-3 day selective isolation/ 1-10 day suspension/ agreement to attend drug or alcohol abuse classes/ counseling/ contract	School personnel may order a change of placement for up to 45 days if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at a school function
43. Distribution/ sale of drugs or alcohol	Selling/providing illegal drugs/alcohol/ look-alikes is strictly prohibited (SAL).	Phone police/ parents/ contact LEA/ 7-10 day suspension/ MDC/IEP conference/ counseling/ expulsion	There are not second or third consequences for 43-54 because the incidents are serious enough that they do not warrant additional chances. Instead an automatic IEP conference will be convened before permission to return to classes and dormitory.	
44. Extortion	Obtaining sex, drugs, money, or other valuables from another person through the use of force or coercion (EXT).	Restitution/ phone police/ parent/ contact LEA/ 1-3 day selective isolation/ 3-5 day suspension	Attendance is required by student, parents/legal guardians, and LEA. Note 1: Student will be suspended until the IEP can be held. Note 2: Intervention strategies such as counseling and behavioral management plan will be used when appropriate.	
45. Robbery	Taking the property of another by force or threat of force totaling $100-300 (ROB).	Phone police/ parent/ contact LEA/ 5-10 day 5-10 day suspension/ counseling/ restitution/ IEP/MDC/ possible expulsion	Note 3: The police will be called only after permission from the Executive Duty Officer unless the student is a danger to self or to others (i.e., assault/battery).	

46. Arson	Intentionally setting fires when there is the probability they will cause property damage, bodily injury, or anxiety (ARS).	Phone police/ parent/ contact LEA 7-10 day suspension/ IEP/MDC/ counseling/ expulsion	
47. Theft (over $100)	Obtaining another person's property illegally -- for the purpose of this code, theft applies to property valued at $100 or more (LAR).	Phone police/ parents/ contact LEA/ 3 day selective isolation/5-7 day suspension/ counseling MDC/IEP/ restitution	
48. Bomb threat	Falsely telling someone that a bomb exists, or stating the intent to obtain or use a bomb (BOM).	Phone police/ parents/contact LEA/immediate suspension pending convening MDC/IEP	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

49. Assault/ battery	Inflicting physical pain or injury, or beating another person in a violent manner (BAT).	Phone police/ parents/DCFS/ contact LEA/ 3 day selective isolation/5-7 day suspension/ counseling/ MDC/IEP
50. Possession/sale of stolen property	Having or selling property belonging to another person or the State without the consent of that person or the State (STP).	Restitution/ phone police/ parent/DCFS/ contact LEA/ 3 day selective isolation/ 5-7 day suspension/ counseling/ MDC/IEP
51. Break-in or forced entry	Breaking a lock, window, etc., or using force to get into a building, room, or vehicle (BRE).	Restitution/ phone police/ parents/contact LEA/3 day selective isolation/ 5-7 day suspension/possible expulsion/ counseling/ MDC/IEP
52. False fire alarm	Intentionally activating a fire alarm with the knowledge that fire or other reason to use the alarm exists (FFA).	Phone police/ parent/contact LEA/1-3 day selective isolation/ 1-3 day suspension
53. Sexual abuse	Knowingly behaving in such a way	Phone DCFS/ police/parents/ contact LEA/1-10

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

	that is in violation of school and social rules, policies, and norms concerning sexual behavior (SXA).	day suspension. possible expulsion
54. Sexual assault	An act of sexual penetration by use of force or theat of force (SXB).	Phone DCFS/ police/parents/ contact LEA/ 10 day suspension/possible expulsion
55. Other (Level 3)	Staff of the State Schools reserve the right to use professional discretion to classify infractions not listed above as Level 3 infractions, as factors such as surrounding circumstances and new situations can affect incidents (OT3).	*Consequence decided upon severity of offense

(Source: Added at 23 Ill. Reg. 10249, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Sex Equity

2) Code Citation: 89 Ill. Adm. Code 829

3)

Section Numbers:	Adopted Action:
829.10	Amendment
829.20	Amendment
829.30	Amendment
829.40	Amendment
829.50	Amendment
829.60	Amendment
829.70	Amendment
829.80	Amendment
829.90	Amendment
829.100	New Section

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3f].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16809

10) Has JCAR Issued a Statement of Objections to these Amendments? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: Minor technical changes have been made to this Part. Section 829.100 was added to clarify the supervision of students.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 829
SEX EQUITY

Section
829.10 Definitions
829.20 Applicability
829.30 Administration
829.40 Treatment of Students
829.50 Educational Programs and Activities
829.60 Counseling Services
829.70 Extracurricular Programs and Activities
829.80 Compliance and Enforcement
829.90 Effects of Other Requirements
829.100 Supervision of Students by School Staff

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 13 Ill. Reg. 5755, effective April 11, 1989; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10281, effective AUG 10 1999.

Section 829.10 Definitions

In addition to the terms defined in Part 751, the following terms are defined for the purposes of this Part.

"Comparable" means similar in quality and quantity, taking into consideration all relevant facts and circumstances.

"Contact Sports" means those sports whose purpose or major activity involves bodily contact: e.g., basketball, boxing, football, ice hockey, rugby, and wrestling.

"Counseling" means all guidance activities, personal counseling, guidance-related evaluation and testing, provision of vocational and career information and advice, scheduling assistance, and any other guidance services provided to students by any person acting under the authorization of a State School ~~state-school~~.

"Course" means any State School ~~state--school~~ sponsored class regardless of the location of class meetings, nature of instruction, or type or age of student.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Discrimination" means the violation of individuals' state or federal equal rights guarantees (U.S. Constitution, Amendment 14; 20 USC ~~U.S.C.~~ 1681 et seq.; Illinois Constitution, Article I, Sections 2, 18; and Sections 10-22.5 and 27-1 of the School Code [105 ILCS 5/10-22.5 and 27-1], whether intended or unintended.

"Disparate Interest Levels" means that, according to the results of a State School's ~~state--school's~~ written student athletics interest survey, the total number of students of one sex who wish to participate in all athletics exceeds by more than 50% the total number of students of the other sex who wish to participate in all athletics. Disparate interest levels do not in and of themselves evidence discrimination.

"Disproportionate Enrollment" means that students of one sex constitute at least 75% of a School's ~~school's~~ participants in a given program, course, or activity. Disproportionate enrollment does not in and of itself evidence discrimination.

~~"BHS"--means-the-Illinois-Department-of-Human-Services.~~

"Equal Access" means availability of opportunity without discrimination on the basis of sex, going beyond simple admission to a course or activity to include full and unrestricted participation in educational and experiential processes.

"Prime Time" means that time period which is most desirable locally for a given activity.

"Program" means a series of courses or set of activities leading toward identified educational or experiential student outcomes.

"Sex Bias" means the attribution of behaviors, abilities, interests, values and/or roles to a person or group of persons on the basis of their sex.

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

"Sexual Intimidation: means any behavior, verbal or nonverbal, which has the effect of subjecting members of either sex to humiliation, embarrassment or discomfort because of their gender.

"Significant Assistance" means the payment of dues, fees, or other remuneration in return for the provision of services or benefits, or any other collaboration that significantly facilitates the functioning of any agency, organization, or person outside a State School ~~state~~

~~school~~.

~~"State--School"--means--any--school--operated--by--DHS,-i.e.,-Illinois Children's-School-and-Rehabilitation-Center,-Illinois-School--for--the Deaf,-and-Illinois-School-for-the-Visually-Impaired.~~

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.20 Applicability

Nothing contained herein shall be construed as relieving a State School ~~state school~~ of its duty to comply with Title IX of the Education Amendments of 1972 (20 USC ~~U.S.C.~~ 1681 et seq.) or its implementing regulations (34 CFR 106).

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.30 Administration

a) All policies and practices of the State Schools ~~state-schools~~ shall comply with Title IX of the Education Amendments of 1972 (20 USC ~~U.S.C.~~ 1681 et seq.), Article I, Section 18 of the Illinois Constitution, and Sections 10-22.5 and 27-1 of the School Code [105 ILCS 5/10-22.5 and 27-1].

b) The State Schools ~~state-schools~~ shall not discriminate on the basis of sex in the provision of programs, activities, services, or benefits. They shall guarantee both sexes equal access to educational and extracurricular programs and activities.

c) Any individual(s) wishing to appeal a decision of action ~~present a complaint~~ alleging that a State School ~~state-school~~ has discriminated against a student or students on the basis of the student's ~~their~~ sex may do so as set forth in 89 Ill. Adm. Code 510 (Appeals).

d) Each State School ~~state--school~~ shall take reasonable measures to assure that employees, students and parents are informed of the School's sex equity policy and grievance procedure, e.g., through the use of policy manuals and student handbooks.

e) Each State School ~~state-school~~ shall, ~~within-one-year-of-the-effective date--of--this-Part-and~~ at least every four years ~~thereafter~~, evaluate its policies and practices in terms of the requirements of these ~~those~~ rules to identify sex discrimination and shall develop a written sex equity plan to modify any policy or practice that does not meet the requirements of those rules and take remedial steps to eliminate the effects of any discrimination resulting from such policy or practice.

1) The sex equity evaluation shall include an examination of course enrollment data to identify any instances of disproportionate enrollment on the basis of sex and, where discrimination may have contributed to such disproportionality, the sex equity plan shall seek to redress any such disproportionality identified.

2) DHS shall assure that inservice training implementing the sex equity plan shall be provided to State School ~~state--school~~ administrators and to certificated and noncertificated personnel annually.

f) Except as provided in Section 829.70(a)(4) and 829.100, a State School ~~state-school~~ may not, on the basis of sex, designate or otherwise limit the use of any facility or portion thereof, related services, equipment or supplies. This Section shall not apply to shower and toilet facilities, locker rooms, dormitories, and dressing areas. All such accommodations and all related support and maintenance services shall be comparable for both sexes.

g) Except as provided in Section 829.70(a)(4), a State School ~~state school~~ may not provide significant assistance to or enter into any agreement with any organization, group, business or individual that discriminates against students on the basis of sex.

h) A State School ~~state-school~~ shall not institute organizational changes or employment practices which would result in discrimination against students of either sex.

i) A State School ~~state--school~~ shall maintain records documenting compliance with this Part, e.g., records of sex equity evaluations and plans, remediation efforts and inservice activities, athletic interest survey results, enrollment data, grievances and their disposition; such records shall be made available to Illinois State Board of Education (ISBE) enforcement authorities upon request.

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.40 Treatment of Students

a) No student shall, on the basis of sex, be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage, or opportunity.

b) A State School ~~state-school~~ shall apply the same system and program admission standards for both sexes.

c) A State School ~~state-school~~ shall not set quotas limiting the number of either male or female students who will be admitted to the State School's ~~school's~~ programs, courses or activities unless such quotas have the effect of furthering affirmative action goals established by the State School ~~school~~ to overcome the effects of conditions that resulted in limited participation in a program or activity by persons of a particular sex.

d) Graduation requirements shall be the same for both sexes.

e) No student shall be discriminated against because of his or her actual or potential marital or parental status.

1) Pregnancy shall be treated as any other temporary disability.

2) Pregnancy or parenthood shall not be considered cause for

dismissal or exclusion from any program or activity.

3) Participation in special programs provided for pregnant students or students who are parents shall be at the student's option.

4) State Schools ~~schools~~ shall eliminate administrative and programmatic barriers to school attendance and school completion by pregnant students or students who are parents.

5) State Schools ~~schools~~ will not pay for medical care directly related to pregnancy or for child care for the children of students.

f) No student shall be subjected to sexual intimidation or harassment by any State School ~~school~~ employee, by other students, or by the effect of any school policy or practice.

g) A State School ~~state-school~~ shall not discriminate on the basis of sex in the bestowing of awards, honors, scholarships and financial aid.

h) A State School ~~state-school~~ may not discriminate on the basis of sex in the provision of employment opportunities for students; a state school may not enter into work study or cooperative employment agreements with employers who discriminate against students on the basis of sex.

i) The State Schools' ~~state-schools'~~ discipline policies and practices shall not discriminate on the basis of sex.

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.50 Educational Programs and Activities

a) General Practices

1) All courses shall be open to students regardless of their sex, although students may be segregated by sex during class sessions or portions thereof which deal exclusively with human sexuality.

2) Students shall be advised to take courses consistent with their interests and abilities, regardless of their sex.

3) Neither course titles nor course descriptions shall discourage either sex from enrolling.

4) Course prerequisites and course requirements shall be the same for both sexes.

5) Course content and course objectives shall not discriminate on the basis of sex.

b) Selected Program Areas

1) Music

A) Students shall not be separated according to sex when participating in voice instruction, although divisions within a class may be established on the basis of vocal range and quality.

B) The study of musical instruments shall be suited to students' individual interests and abilities, regardless of their sex.

2) Physical Education

A) Each physical education class shall be open equally to both sexes.

i) Instructional portions of all physical education classes shall be coeducational.

ii) A student may be segregated by sex during participation in a contact sport, upon parental request or when the student's safety is at jeopardy.

B) Where assignments to classes or portions of classes are based on ability levels, group composition shall be determined by objective standards of individual performance developed and applied without regard to sex, and students shall be re-grouped at appropriate intervals, e.g., when substantial changes occur in either teaching objectives or student ability levels.

C) If the use of a single standard for measuring skill or progress in a physical education class results in discrimination against members of either sex, appropriate standards which do not have such effect shall be used.

D) Neither physical education classes nor areas where such classes are conducted shall be designated by sex.

3) Special Education

A) Special education referral, testing and placement practices shall not discriminate on the basis of sex.

B) Classes and related services for students with disabilities shall not discriminate on the basis of sex.

4) Gifted Education

A) Gifted education referral, testing and placement practices shall not discriminate on the basis of sex.

B) Programs and classes or related services for gifted students shall not discriminate on the basis of sex.

5) Vocational and Career Education

A) Students shall be provided opportunities to acquire knowledge and understanding of vocational and career options without discrimination on the basis of sex.

B) Materials used in vocational and career education shall not discriminate on the basis of sex.

c) Classroom Practices

1) Classroom practices shall not discriminate on the basis of sex.

2) Teaching methods shall in no way inhibit the participation of any student on the basis of sex.

3) The history, roles and contributions of both sexes shall be presented on a comparable basis in curricular areas.

4) Teachers shall utilize ~~employ~~ methods designed to counteract sex bias in instructional materials.

5) Instructional materials shall not be discriminatory against either sex.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.60 Counseling Services

a) Counseling services shall be provided without discrimination on the basis of sex.
   1) Students shall not be assigned to a counselor on the basis of sex.
   2) Students shall be counseled to take courses and pursue careers that are consistent with their strengths, interests and abilities, regardless of their sex.
b) Career materials used in counseling students shall not discourage, by word or image, the consideration by both sexes of all careers addressed in the materials.
c) The content, administration, interpretation and application of appraisal instruments and associated materials shall not discriminate against students on the basis of sex.

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.70 Extracurricular Programs and Activities

a) General Practices
   1) Except as provided in subsection (b)(1)(A) of this Section, students of both sexes shall have equal access to all extracurricular programs and activities, including clubs, committees, service or honor organizations, intramural sports programs, interscholastic athletics and other after-school activities which are offered by a State School ~~state-school~~.
   2) Except as provided in subsection (b)(1)(A) of this Section, extracurricular programs and activities offered by a State School ~~state--school~~ shall not use titles which imply that membership or participation is restricted on the basis of sex.
   3) A State School ~~state--school~~ shall not provide significant assistance to any association or conference whose purpose is to organize or regulate interscholastic competition if that association or conference discriminates on the basis of sex in the provision of benefits or services to students.
   4) State Schools ~~schools~~ may cooperate with single sex youth organizations that are tax exempt and whose membership has traditionally been limited to members of one sex and principally to persons who are under 19 years of age, provided that comparable activities shall be available for both sexes.
b) Selected Activity Areas
   1) Athletics (Interscholastic and Intramural)
      A) Both sexes shall be accorded equal opportunities to participate in athletic programs.
         i) Single-sex teams are permitted for contact sports or when selection for team membership is based upon competitive skill, provided the interests and abilities of both sexes are accommodated.
         ii) In a noncontact sport, when a team is provided only for members of one sex, members of the excluded sex must be allowed to compete for a place on the team if their overall athletic opportunities have been limited in comparison with those of the other sex.
         iii) Where a coeducational team in a given sport does not accommodate the interests and abilities of members of both sexes, separate teams shall be afforded by sex. For example, if the level of interest determined pursuant to subsection (b)(1)(B) indicates that 30 students of one sex and 30 students of the other sex want to participate in a particular sport, but only one student of the first sex is able to qualify to compete while 20 students of the other sex do so, a coeducational team does not accommodate the interests and abilities of both sexes.
      B) Within one year of the effective date of this Part and at least once every four years thereafter, each State School ~~state-school~~ shall assess student athletics interest by administering a written survey to all students. If survey data indicate that the overall levels of student interest in the range of alternatives being provided are disparate between the sexes and such disparity may be the result of discrimination, the State School ~~state-school~~ shall initiate efforts to reduce such disparity.
      C) Based upon the results of the interest survey, existing offerings and other pertinent factors (e.g., budget, facilities, available competition, etc.), each State School ~~state--school~~ shall provide comparable continuity in sports opportunities for students of both sexes (i.e., students have the opportunity to acquire skills at successive levels, over time, within a given sport).
      D) The nature and extent of the athletics programs offered by a State School ~~state--school~~ shall accommodate the interests and abilities of both sexes to a comparable degree. Factors to be considered in assessing program comparability include, but are not necessarily limited to, the following:
         i) selection of sports offered,
         ii) levels of competition within sports,
         iii) length of sports seasons,
         iv) scheduling of athletics opportunities throughout the calendar year.
         v) scheduling of practices and games during prime time,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

vi) use of facilities for practice and competition,
vii) ratio of coach(es) to athletes,
viii) quality of coaching and officiating (e.g., credentials, experience and compensation),
ix) assignment and compensation of coaches and officials,
x) supplies and equipment,
xi) allowances for travel and per diem,
xii) medical and training services,
xiii) publicity for teams and individual participants,
xiv) overall distribution of athletic budget funds.

2) Music
   A) Choruses segregated by sex shall not be allowed; however, choral groups based upon vocal range and quality are allowable.
   B) Instrumental music skill acquisition and performance shall be based upon students' individual interests and abilities, regardless of their sex.
3) Speech and Drama
   A) Competitive speaking events shall be open to both sexes.
   B) Materials limited to a single sex (e.g., a monologue specific to one sex) may be used as long as comparable opportunities are provided for both sexes.
4) Miscellaneous
   A) Activities such as cheerleading, pompom squads, color guards, school safety patrol, teacher/office aides, and library assistants shall be open to students of both sexes.
      i) Participation criteria, selection procedures, or uniform restrictions which would discriminate on the basis of sex shall not be applied.
      ii) Criteria for the utilization of such groups shall not discriminate on the basis of sex.
   B) A king or queen of an activity may be selected; however, comparable opportunities for students of both sexes shall be provided.
   C) If a State School ~~state--school~~ sponsors mother-son, father-daughter, mother-daughter, or father-son activities, comparable activities shall be available for both sexes, and the special needs of children from single-parent families shall be accommodated.

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.80 Compliance and Enforcement

Compliance with this Part will be subject to evaluation during the recognition process for the State Schools ~~state-schools~~ established in 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.90 Effects of Other Requirements

The obligation to comply with this Part is not obviated or alleviated by any policy or regulation of any club, organization, athletic league or other association which would limit the eligibility or participation of students on the basis of their sex in any program or activity operated by any State School ~~state-school~~ covered by this Part.

(Source: Amended at 23 Ill. Reg. 10281, effective AUG 10 1999)

Section 829.100 Supervision of Students by School Staff

a) Direct supervision of female students shall be by adult female staff while they are in their living quarters at night.
b) Supervision and assistance of female students, as necessary, in the performance of personal hygiene will be performed by an adult female staff.
c) Extracurricular activities that require overnight stays away from the State School will be supervised by female staff when the students involved are female.

(Source: Added at 23 Ill. Reg. 10281, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Special Education Instructional Program

2) Code Citation: 89 Ill. Adm. Code 770

3)

Section Numbers:	Adopted Action:
770.10	Repealed
770.20	Repealed
770.30	Repealed
770.40	Repealed

4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11 and 13].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16821

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed. The language can now be found in Part 750.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Special Education Personnel

2) Code Citation: 89 Ill. Adm. Code 810

3)

Section Numbers:	Adopted Action:
810.10	Repealed
810.20	Repealed
810.30	Repealed
810.40	Repealed
810.50	Repealed
810.60	Repealed
810.70	Repealed
810.80	Repealed
810.90	Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 22 Ill. Reg. 16826

10) Has JCAR Issued a Statement of Objections to these repealer ? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This entire Part is being repealed.

16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special Education Program and Services

2) Code Citation: 89 Ill. Adm. Code 765

3) Section Numbers: Adopted Action:

765.10	Amendment
765.20	Amendment
765.30	Amendment
765.40	Amendment
765.50	Amendment
765.60	Amendment
765.70	Repealed
765.80	Repealed
765.90	Repealed
765.100	New Section
765.110	New Section
765.120	New Section
765.130	New Section
765.140	New Section
765.200	New Section
765.210	New Section
765.220	New Section
765.230	New Section
765.300	New Section
765.310	New Section
765.320	New Section
765.330	New Section

4) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11, and 13].

5) Effective Date of Amendments: 8/10/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16848

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Minor technical changes.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of amendments: This Part combines rules that were previously found in other Parts.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 765
~~THE ESTABLISHMENT AND ADMINISTRATION OF~~ SPECIAL EDUCATION PROGRAM AND SERVICES

SUBPART A: ADMINISTRATION OF EDUCATIONAL PROGRAM

Section
765.10 Special Education Instructional Programs
765.20 Range of Services
765.30 Availability of Services
765.40 Involvement of Students with Disabilities in Activities
765.50 Adequacy of Facilities
765.60 Written Policies
765.70 State Approved Administrator of Special Education (Repealed)
765.80 State-Approved Supervisory Services (Repealed)
765.90 Role of Principal (Repealed)

SUBPART B: SERVICE PROVIDED

Section
765.100 Related Services to be Provided or Arranged
765.110 Other Related Services
765.120 Student-based Objectives
765.130 Specific Objectives
765.140 Time Spent

SUBPART C: SPECIAL EDUCATION INSTRUCTIONAL PROGRAM

Section
765.200 Instructional Programs
765.210 Curriculum
765.220 Considerations
765.230 Determinants

SUBPART D: VOCATIONAL PROGRAMS

Section
765.300 Provision of Vocational Programs to Exceptional Students
765.310 Vocational Plan
765.320 Community Work Experiences
765.330 Coordination With Other Programs

AUTHORITY: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 14859; amended at 12 Ill. Reg. 12103, effective July 8, 1988; amended at 13 Ill. Reg. 5154, effective March 30, 1989; amended at 15 Ill. Reg. 6261, effective April 15, 1991; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10297, effective AUG 10 1999.

SUBPART A: ADMINISTRATION OF EDUCATIONAL PROGRAM

Section 765.10 Special Education Instructional Programs

Each State School shall establish and maintain special education instructional programs and related services which meet the educational needs of children with the following disabilities ~~exceptional characteristics~~:

a) The Illinois School for the Deaf will maintain programs for students whose primary disability ~~exceptional characteristic~~ is an auditory impairment of a severe to profound nature.

b) The Illinois School for the Visually Impaired will maintain programs for students whose primary disability ~~exceptional characteristic~~ is a visual impairment of a severe to profound nature or who are deaf-blind.

c) The Illinois Children's School and Rehabilitation Center will maintain programs for students whose primary disability ~~exceptional characteristic~~ is a physical or health impairment of a severe to profound nature.

d) Each State School will maintain programs for students with the secondary disabilities listed below provided that the disability(ies) is not so severe that the needs of the student cannot be met appropriately by the State School.
   1) Health impairment.
   2) Speech or language impairment.
   3) Deficits in the essential learning processes of perception, conceptualization, memory, attention, or motor control.
   4) Deficits in intellectual development and mental capacity.
   5) Educational maladjustment related to social or cultural circumstances.
   6) Affective disorders or adaptive behavior which restricts effective functioning.

e) Each State School shall annually prepare a school calendar for the school term, specifying the opening and closing dates and providing a minimum of at least 185 days to ensure ~~insure~~ 176 days of actual student attendance. Any of the four days allowed for teachers' institute, but not used for such, shall increase the minimum term by the number of school days not so used. A State School may specify a closing date earlier than that set on the actual calendar when the State School has provided the minimum number of computable days under

this rule; i.e., 176 days of actual student attendance plus four days of teachers' institute.

f) The length of the school day at each State School shall not be less than five clock hours of school work per day under the direct supervision of special education personnel. The school day may be less than five clock hours on the opening and closing of the school term, and on the first day of student attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.20 Range of Services

Special education instructional programs and related services shall range along a continuum based on the nature and degree of the intervention. This continuum of program options shall include, but not be limited to:

a) Basic Special Education Program of the State School--The special education program provided to the majority of the students enrolled in the State School.

b) Basic Special Education Program of the State School with Modification--The student receives most of his/her educational experiences through the basic program of the State School. However, these experiences are modified through:
   1) Additional or specialized education from the teacher.
   2) Consultation to and with the teacher.
   3) Provision of special equipment and materials.
   4) Modification in the instructional program (e.g., multi-age placement, expectations, grading, etc.).

c) Alternate Basic Special Education Program of the State School--The student receives most of his/her educational experiences in a basic program whose curricular content and educational methodology have been substantially changed. Such changes shall occur when the special education needs of a proportionately large, identifiable segment of the school population are not otherwise being met.

d) Basic or Alternate Basic Educational Program of the State School with Related Services--The student receives most of his/her educational experiences through the basic, or alternate basic, program. However, these experiences are augmented by one or more related services.

e) Special Program--The student receives most of his/her basic educational experiences through an instructional program in a special class, which is largely self-contained, in the State School.
   1) Inclusion in those parts of the basic special education program which are appropriate.
   2) Provision of related services as needed.

f) Cooperative Program--The student receives most of his/her educational experiences through either the basic or the special program of the State School. However, this is supplemented through work-experience

programs or shared agency involvement. Cooperative programs may include integration of students into academic and nonacademic programs and services provided by a public school district, provided the programs and services are available in the public school district and the student has expressed an interest in such programs or services.

~~g) State-Operated--or--Private-Program-not-Administered-by-the-Department of-Human-Services-(DHS)--The-student-whose-exceptional-characteristics are-so-profound-or-complex-that-no-special-education--program--offered by--the--State--Schools--can--adequately-or-appropriately-meet-his/her needs-is-referred-to-the-local--school--district--of--parental/student residence--with--diagnostic--data--and-recommendations-for-referral-to either-another-state-operated-or-a-private-facility.--See-89-Ill.-Adm. Code-755.240-and-755.250.~~

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.30 Availability of Services

Special education instructional programs and related services, including diagnostic services of the State School, shall be available to students who are enrolled.

a) A ~~An--exceptional~~ student who requires continued school educational experience to facilitate his or her integration into society shall be considered eligible for such services until age twenty-one or upon successful completion of the secondary program. The student who becomes twenty-one during the school year shall be allowed to complete that year.

b) A ~~An-exceptional~~ student who has satisfactorily completed a secondary program and has been assisted in locating further educational and vocational experience as necessary shall be granted a diploma. Both parents and the student shall be made aware that eligibility for public school special education services is terminated following the granting of a diploma and that the parents may request a review of the recommendation for graduation.

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.40 Involvement of Students with Disabilities in Activities

Each State School shall ensure that, to the maximum extent appropriate, students are involved in academic and nonacademic activities with students who are not disabled or who are less disabled.

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 765.50 Adequacy of Facilities

Facilities used by the State School for special education programs and services shall be appropriate to, and adequate for, the specific program or service. Such facilities shall be at least equal to those provided to the students in the standard programs in the local school districts throughout the State ~~state~~.

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.60 Written Policies

a) Written policies shall be developed by each State School to govern the method by which student information will be collected, the confidential nature of that information, the use to which it will be put, how it will be recorded and maintained, the period for which it will be maintained, the persons to whom it will be available and under what circumstances. All such policies shall be consistent with:
   1) The Illinois School Student Records Act [105 ILCS 10] ~~(Ill. Rev. Stat. 1989, ch. 122, pars. 50-1 et seq.)~~;
   2) Student Records (23 Ill. Adm. Code 375);
   3) The Illinois Program for Evaluation, Supervision, and Recognition of Schools, State Board of Education Document Number 1, 1985;
   4) the Family Educational Rights and Privacy Act (20 USC ~~U.S.C.~~ 1232(g) ~~(1985)~~);
   5) Illinois Department of Human ~~Rehabilitation~~ Services' policies on Confidentiality (89 Ill. Adm. Code 505) and Access to Public Records (2 Ill. Adm. Code 1176);
   6) Sec. 2a of the Communicable Disease Prevention Act [410 ILCS 315] ~~"AN ACT in relation to the prevention of certain communicable diseases," (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 22.12a)~~;
   7) The AIDS Confidentiality Act [410 ILCS 305] ~~(Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7301 et seq.)~~.
b) Such policies shall provide that all information maintained concerning a student receiving special education services be directly related to the provision of services to that student.
c) These policies shall be made known to the parents or guardians of all students receiving special education services, to the public and to any persons who are provided with all or a part of a student's records.

(Source: Amended at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.70 State Approved Administrator of Special Education (Repealed)

~~The establishment and operation of all special education programs and services shall be under the coordination and educational direction of a state approved~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~administrator of special education. Such Administrator refers to an individual functioning in that capacity whose credentials have been approved by the Illinois State Board of Education, and/or the Illinois Department of Central Management Services.~~

(Source: Repealed at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.80 State-Approved Supervisory Services (Repealed)

~~All special education programs and services shall be provided with state approved supervisory services, specific to the nature of the program or service. Supervisory personnel shall provide consultation to and coordination of special education programs and services.~~

(Source: Repealed at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.90 Role of Principal (Repealed)

~~Within each State School, the building principal or other designated State School administrator shall, in cooperation with special education administrative and supervisory personnel, facilitate the functioning of special education instructional programs and related services as an integral part of the total State School program.~~

(Source: Repealed at 23 Ill. Reg. 10297, effective AUG 10 1999)

SUBPART B: SERVICE PROVIDED

Section 765.100 Related Services to be Provided or Arranged

a) Related services that shall be provided or arranged for by the State School are those activities supplemental to the basic special education instructional programs that serve to facilitate the student's development. The activities include evaluation or consultation services.
b) The related services to be provided are:
   1) Speech and language services for all students with speech or language impairments that interfere with their educational or social development.
      A) Speech and language services may be made available as:
         i) A special education related service.
         ii) A special education instructional program.
      B) Speech and language services shall include, but not be limited to:
         i) Screening and diagnosis for students with suspected

speech or language impairment;

ii) Planning and developing the clinical program;

iii) Provision of therapeutic services for the habilitation or prevention of communicative disorders;

iv) Parent counseling;

v) Referrals and follow-up;

vi) Consultative and resource services to other professional personnel.

C) The number of students seen by a speech and language clinician shall be based on the nature of the speech and language needs of the individual students. At no time shall the caseload exceed 80 students.

2) School psychological services to and on behalf of students who require psychological evaluation and assistance in their educational or behavioral adjustment.

A) School psychological services shall include, but not be limited to:

i) Screening of school enrollments to identify students who should be referred for individual study.

ii) Individual psychological examination and interpretation of those findings and recommendations that will lead to meaningful educational experiences for the student.

iii) Counseling and performing psychological remedial measures as appropriate to the needs of students, individually or in groups.

iv) Participating in parent education and the development of parent understanding.

v) Consulting with teachers and other school personnel in relation to behavior management and learning problems.

vi) Consulting in program development.

B) School psychological services shall be available, in an appropriate quantity, to all students for whom the State School is responsible.

C) School psychological services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all students. Emphasis shall be placed on prevention as well as rehabilitation, or indirect as well as direct services.

3) School social work services to and on behalf of students whose educational or behavioral development is restricted due to social or emotional considerations, family circumstances, or problems of the environment.

A) School social work services shall include, but not be limited to:

i) Services to school personnel on behalf of students. The school social worker shall provide consultation and in-service training experiences to school

personnel.

ii) Identification of students in need of services. The school social worker shall be responsible for providing the social developmental study in a case study evaluation and for participating in the identification of those students who require social work intervention.

iii) Direct services to students.

iv) Service to parents on behalf of students. The school social worker shall be responsible for serving as a liaison between the home and the State School and for providing parental education and counseling as appropriate in relation to the student's problem.

v) Utilization of community resources. The school social worker shall facilitate the effective utilization of existing community resources to meet the needs of students and shall assist in developing services that are needed but unavailable.

B) School social work services shall be available, in an appropriate quantity, to all students for whom the State School is responsible.

C) School social work services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all students. Emphasis shall be placed on prevention as well as rehabilitation, on indirect as well as direct services.

4) Special reader services, braillists, notetakers, typists, and interpreters shall be provided as required by the student's IEP.

5) Physical or occupational therapy shall be provided for students whose physical impairments require appropriate therapeutic attention if the students are to receive full benefit from the instructional program provided them. Such therapy shall be provided to individual students in accordance with the recommendation and prescription of a licensed medical practitioner.

6) Consultant services shall be provided as required by the IEP.

A) Professional consultation that provides a therapeutic component shall be provided to those special education instructional programs that serve students who exhibit affective or behavioral disorders.

B) Other consultant services shall be provided as required to facilitate the education of students and as approved by DHS.

7) Physical education programs consisting of organized instructional units shall be provided to students in accordance with their needs and as determined by the IEP.

8) Interscholastic competition in athletics shall be provided to students in accordance with their needs, abilities, and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

interests. A significant portion of this competition shall be with teams or individuals who are not disabled.

9) A wide range of extracurricular activities, including intramural sports, clubs, dramatics, student councils, and various types of social activities shall be provided to students in accordance with their needs and interests.

10) Orientation and mobility training consisting of organized and instructional units under the direction of an orientation and mobility instructor shall be provided to visually impaired and deaf-blind students in accordance with their needs and as determined by the IEP.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.110 Other Related Services

Other related services including school health services, counseling services and parent counseling or training shall be provided or arranged for by the State School when the multi-disciplinary conference determines that such services would facilitate the educational development of the student.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.120 Student-based Objectives

Student-based objectives shall be determined for each special education related service.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.130 Specific Objectives

Specific objectives shall be established for each student who receives special education related services.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.140 Time Spent

Related services time spent with or on behalf of the student shall be sufficient to be educationally or therapeutically adequate, as determined by the evaluation of the student's needs.

(Source: Added at 23 Ill. Reg. 10297 effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUG 10 1999)

SUBPART C: SPECIAL EDUCATION INSTRUCTIONAL PROGRAM

Section 765.200 Instructional Programs

Special education instructional programs shall be designed in direct response to the educational and rehabilitation needs of the students served by the State School.

a) Specific types of instructional programs may be formulated according to common disabilities of the students, or, for students with differing secondary disabilities:

1) Instructional programs formulated according to common disabilities of the students shall be in accordance with those disabilities described in Section 765.10 of this Part.

2) Instructional programs that group students with differing secondary disabilities shall be formulated only under the following circumstances:

A) The students are grouped in relation to a common educational need or the program can be completely individualized; and

B) The teacher is qualified to plan and provide an appropriate educational program for each student in the group.

b) Student-based objectives shall be developed for each type of special education instructional program.

c) The objectives of the program shall have direct and observable relationship to the objectives that have been established for each student who is placed in that program.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.210 Curriculum

a) A curriculum of educational experiences adaptable to individual needs, interests, or abilities of each student shall be developed for each type of instructional program.

b) The curriculum shall be:

1) Sequential.

2) Developmental.

3) Goal-directed.

4) Clearly stated and available to the public.

5) Subject to continuing evaluation and revision.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.220 Considerations

a) In the formation of special education instructional programs, consideration shall be given to the chronological age, mental age, physical size, motor ability, level of achievement, and social and emotional adjustment of the students.

b) The chronological age range of students within an academic special program or in any academic individual instructional grouping shall not exceed four years.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.230 Determinants

The principal determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their disabilities, the nature of the instructional program, and the degree of intervention necessary. All exceptions to the following program size limitations for academic classes shall require the written approval of DHS and the State Board of Education prior to the implementation of the program.

a) Academic instructional programs for students 5 years of age and younger shall have a maximum ratio of one qualified teacher to five students in attendance at any one given time; total enrollment shall be limited according to the needs of the students for individualized programming.

b) Academic instructional programs that primarily serve students whose disabilities are either profound in degree or multiple in nature shall have a maximum enrollment of five students.

c) Academic instructional programs that primarily serve students whose primary disabilities are severe visual, auditory, physical, speech or language impairments or behavioral disorders shall have a maximum enrollment of eight elementary students or twelve high school students.

d) Academic instructional programs that primarily serve students whose primary disabilities are moderate visual or auditory impairments shall have a maximum enrollment of twelve students.

e) The State School may increase the enrollment in a special education instructional program by a maximum of two additional students to meet unique circumstances that occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met, or the State School may increase the enrollment in a special education instructional program by a maximum of five additional students when the program is provided with a full-time, noncertified assistant.

f) When the State School wishes to exceed the maximum enrollments indicated above, approval shall be requested in writing to DHS and the Division of Program Compliance of the State Board of Education. The

request shall include a rationale for the proposed enrollment deviation and a plan for its evaluation. If the request for an enrollment deviation is approved by DHS but is denied by the State Board of Education, DHS may appeal the decision to the State Superintendent of Education.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

SUBPART D: VOCATIONAL PROGRAMS

Section 765.300 Provision of Vocational Programs to Exceptional Students

Vocational programs consisting of organized instructional and training experiences shall be provided to exceptional students in accordance with their needs and as determined by an IEP at a multi-disciplinary conference.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.310 Vocational Plan

A vocational plan indicating specific vocational objectives, the training required, service personnel required, and the length of the proposed program shall be developed for each student determined to require a vocational program. This plan shall be developed in cooperation with the student and his or her parents, shall be adapted to the student's interests and aptitudes, and shall be incorporated into the IEP.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.320 Community Work Experiences

Community work experiences that are part of the student's vocational plan shall occur during the school day, unless this is precluded by the nature of the experience. All community work experiences that are provided by the State School as part of the vocational plan and for which the student receives educational credit shall be supervised by appropriate State School personnel.

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

Section 765.330 Coordination With Other Programs

Vocational programs serving exceptional students shall be coordinated with other DHS programs and with other public, private, and State agencies or organizations.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 23 Ill. Reg. 10297, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Special Education Related Services

2) Code Citation: 89 Ill. Adm. Code 775

3)

Section Numbers:	Adopted Action:
775.10	Repealed
775.20	Repealed
775.30	Repealed
775.40	Repealed
775.50	Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10]

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16831

10) Has JCAR Issued a Statement of Objections to this repealer ? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Springfield, Illinois 62762 Telephone: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special Transportation

2) Code Citation: 89 Ill. Adm. Code 815

3)

Section Numbers:	Adopted Action:
815.10	Amendment
815.20	Amendment
815.30	Amendment
815.40	Amendment

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3, 10, 11 and 13].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16837

10) Has JCAR Issued a Statement of Objections to these amendments ? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part No

15) Summary and Purpose of amendments: Minor changes to the language of this Part have been made to the language.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 815
SPECIAL TRANSPORTATION

Section
815.10 Special Transportation Services
815.20 Adaptation of Vehicles
815.30 In-Service Training for Transportation Personnel
815.40 Scheduling of Transportation

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 13796; amended at 12 Ill. Reg. 11260, effective June 15, 1988; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10314, effective AUG 10 1999.

Section 815.10 Special Transportation Services

a) The local school district ~~of parental/student residence~~ shall provide transportation services for students placed in State Schools ~~state operated schools~~ at ~~for~~ the beginning and close of the school term which is applicable to the student's placement.
b) During the annual review of individualized educational programs (IEP) for students continuing placement at State Schools ~~state operated schools~~, an agreement shall be developed between representatives of the Department of Human Services, representatives of the local school districts ~~of parental/student residence~~, and the ~~student's~~ parents ~~or guardians~~ regarding the mode, frequency, and provider of special education transportation services beyond the trips to begin and end the school term.
c) If an initial placement, the provision of special education transportation services beyond the trips to begin and end the school term shall be determined and agreed upon between the above named parties during the meeting at which an IEP is developed for the student.
d) The provision for transportation services shall be included in the IEP.

(Source: Amended at 23 Ill. Reg. 10314, effective AUG 10 1999)

Section 815.20 Adaptation of Vehicles

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Vehicles utilized by the State School for special transportation at the State School shall be adapted for ~~to~~ the specific needs of the children receiving this service.

(Source: Amended at 23 Ill. Reg. 10314, effective AUG 10 1999)

Section 815.30 In-Service Training for Transportation Personnel

Personnel responsible for special transportation at the State School shall be given in-service training ~~experiences~~ which will enable them to understand and appropriately relate to exceptional children.

(Source: Amended at 23 Ill. Reg. 10314, effective AUG 10 1999)

Section 815.40 Scheduling of Transportation

Special transportation shall be scheduled in such a way that a student's health and ~~ability to relate to the~~ educational experiences ~~provided~~ are not adversely affected.

(Source: Amended at 23 Ill. Reg. 10314, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: State-Operated or Private Programs

2) Code Citation: 89 Ill. Adm. Code 790

3) Section Numbers: 790.10 — Adopted Action: Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16841

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Surrogate Parents

2) Code Citation: 89 Ill. Adm. Code 805

3)

Section Numbers:	Adopted Action:
805.10	Repealer
805.20	Repealer
805.30	Repealer
805.50	Repealer

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998, 22 Ill. Reg. 16844

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This entire Part is being repealed.

16) Information and questions regarding this adopted repealer shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

(217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: THERKELSEN/HANSEN College Loan Fund

2) Code Citation: 89 Ill. Adm. Code 835

3)

Section Numbers:	Adopted Action:
835.10	Amendment
835.20	Amendment
835.30	Amendment
835.35	Amendment
835.40	Amendment
835.50	Amendment

4) Statutory Authority: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5, and 13].

5) Effective Date of Amendments: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998 , 22 Ill. Reg. 16863

10) Has JCAR Issued a Statement of Objections to these amendments ? No

11) Differences between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: Minor technical changes have been made to this Part.

16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 835
THERKELSEN/HANSEN COLLEGE LOAN FUND

Section
835.10 Purpose and Management of Fund
835.20 Definitions
835.30 Eligibility for Loan
835.35 Award of the Loan
835.40 Terms of the Loan Agreement
835.50 Use of Funds

AUTHORITY: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13].

SOURCE: Adopted at 19 Ill. Reg. 15460, effective October 30, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10321, effective AUG 10 1999.

Section 835.10 Purpose and Management of Fund

a) The Therkelsen/Hansen College Loan Fund (Fund) is established to provide assistance to Illinois deaf and hard of hearing individuals with a financial need to pay for post-secondary expenses at any institution of higher learning which has a program specifically designed for deaf and hard of hearing students.
b) The loan fund is managed through the Illinois School for the Deaf (ISD) by the Therkelsen/Hansen College Loan Fund Committee (Committee) which is established by the Department of Human Services (DHS). The Committee shall consist of five individuals. The DHS' Associate Director ~~Secretary~~ or his/her designee shall appoint four individuals representing the Illinois State Board of Education, DHS, public schools serving the deaf and hard of hearing, and the deaf community. Their terms shall be for two years and shall not exceed two consecutive terms. The ISD Superintendent ~~administrator~~ shall serve ex-officio.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

Section 835.20 Definitions

For the purpose of this Part, the following terms have the following meanings:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Deaf" and "Hard of Hearing" means a diagnosis of a hearing impairment of 30 db or greater in the better ear.

"Full Time Student" means a student carrying a full study load as determined by the institution he or ~~/~~ she is attending or plans to attend.

"Illinois Resident" means a person who shall have resided in Illinois in some capacity other than as a student at a post-secondary educational institution for a period of at least twenty-four continuous months immediately prior to the application for the loan.

"Institution of Higher Learning" means a institution with educational or vocational programs which offer a certificate, associate degree, bachelor's degree, master's degree or any other specialized degree and provides direct communication, instructional programs or support services for the deaf or hard of hearing.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

Section 835.30 Eligibility for Loan

a) The applicant for a loan from this Fund shall be a graduate of the Illinois School for the Deaf (ISD) or be a deaf or hard of hearing resident of the State of Illinois (as defined in Section 835.20).
b) If the applicant is not a graduate of ISD, the following records and/or identification cards shall show proof of Illinois Residency:
   1) Illinois high school or college transcript;
   2) Illinois driver's license;
   3) State identification card;
   4) apartment rent agreement, house mortgage statement or property tax bill;
   5) Illinois Income Tax form IL-1040; or
   6) hospital, doctor or clinic record.
c) A person who reapplies for a second, third or fourth loan must continue to meet the Illinois residency requirement and shall have achieved a "C" average (2.0 on a 4.0 point scale).
d) Successful applicants shall be registered as full-time students.
e) The applicant will be required to give permission to the Committee to make inquiries and obtain information so that the information on the application may be verified by the Committee.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

Section 835.35 Award of the Loan

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) In awarding the loan, the Committee shall consider the amount of funds available, the applicant's stated financial need supplied in the loan application ~~loan--Application~~, the applicant's available financial resources and the total number of applicants.
b) When all eligibility criteria are met and funds are not available to cover all requests, an applicant from an undergraduate program shall receive priority over a student from a graduate program.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

Section 835.40 Terms of the Loan Agreement

a) The minimum yearly amount of a loan shall be $500 and the maximum yearly amount shall be $4,000, and the maximum amount that can be borrowed over four years shall be $16,000.
b) The interest rate for each loan shall be assigned at the time the original loan is made and shall remain fixed at that rate for all successive loans for that student.
c) A student shall receive only one loan per calendar year up to a maximum of four years, but the four years need not be consecutive.
d) Interest shall begin accruing and repayment of the loan shall begin six months after:
   1) graduation,
   2) the student ceases to be a full-time student, or
   3) the expiration of the four years of eligibility, whichever comes first.

   Payment of the principal, but not the interest, may be deferred if the individual continues his or ~~/~~ her undergraduate program or enters graduate school.
e) Repayment of the loan will follow a payment schedule as established by the Committee based on the ability to repay, employment and earnings. The maximum time period that will be allowed to repay a loan is ten years. The minimum monthly repayment is $50.00.
f) The loan may be paid off prior to the time it is due without penalty.
g) The loan will be forgiven if the individual who received the loan dies or becomes further disabled in a way that permanently interferes with employment or the ability to repay. Repayment of the loan may be deferred if the individual incurs temporary disability that interferes with employment of the ability to repay until the temporary disability ceases.
h) Legal or other collection action shall be taken against individuals judged by the Committee capable of making reasonable monthly payments based upon employment, earnings and other debts, but not making payments in accord with the loan agreement.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 835.50 Use of Funds

a) Loan funds can only be used to pay tuition, fees, books, specialized educational equipment and room and board, and when approved by the Committee, costs of transportation and specific living expenses necessary for completion of the educational program.
b) Loan funds will be sent directly to the institution of higher learning. If it is not possible to make direct payment to the institution, a receipt for expenses shall be required from the student before payment is issued. An advance of funds may be provided if the student can show financial hardship, need for the expense, and a reasonable estimate of the cost.

(Source: Amended at 23 Ill. Reg. 10321, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Treatment and Habilitation Services

2) Code Citation: 59 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:
112.10 Amended

4) Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

5) Effective Date of Amendments: 8/10/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4598

10) Has JCAR Issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The majority of this rulemaking is an updating of language. Section 112.10(f) amends the manner in which individuals are selected for the utilization review committee. Other changes made throughout the rulemaking remove the references to form numbers. These references were removed due to the consolidation of six former legacy DMHDD forms into three forms.

16) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 112
TREATMENT AND HABILITATION SERVICES

Section
112.5 Incorporation by reference
112.10 Utilization review hearings
112.20 Admission, treatment and habilitation of mentally retarded persons
112.30 Recipient physical and dental examinations and informed consent for services
112.40 Release and burial of deceased recipients
112.50 Tuberculosis control program (Repealed)
112.70 Protection of human subjects
112.80 Use of narcotics and psychotropic drugs in Department facilities
112.90 Administration of psychotropic drugs

AUTHORITY: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Release and Burial of Deceased Patients adopted October 1, 1969; Tuberculosis Control Program adopted May 28, 1975; Protection of Human Subjects adopted October 2, 1973; Use of Narcotics and Psychotropic Drugs in Department Facilities adopted July 1, 1974; amended at 3 Ill. Reg. 28, p. 90, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; Administration of Psychotropic Drugs adopted June 14, 1974; amended at 3 Ill. Reg. 28, p. 100, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; rules merged and codified at 5 Ill. Reg. 10725; amended at 9 Ill. Reg. 12785, effective August 1, 1985; amended at 10 Ill. Reg. 11894, effective July 1, 1986; amended at 13 Ill. Reg. 20344, effective December 19, 1989; amended at 21 Ill. Reg. 2210, effective February 1, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 23 Ill. Reg. 10327, effective AUG 10 1999.

Section 112.10 Utilization review hearings

a) Utilization review hearings shall be conducted in accordance with Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Code. When a person who is evaluated as being mildly or moderately mentally retarded, resides in a Department mental health

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

facility and objects to the facility director's certification of the treatment and habilitation plan or the appropriateness of the setting, a utilization review hearing shall be conducted in accordance with Section 112.20(g).

b) Definitions

"Aftercare." The continuation of needed care and services of a recipient discharged from a state-operated facility within an appropriate setting with individualized follow-up services.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

~~"Conditional discharge." The placement of a developmentally disabled recipient out of a facility for continuing habilitation provided under supervision of the Department. (Section 4-702 of the Code)~~

"Day." As used in this Section and in Section 112.20 means calendar day unless otherwise indicated.

"Department." The Department of Human Services.

"Discharge." The full release of any person admitted under the provisions of the Code, or transferred under the provisions of Sections 3-8-5, 3-8-6, 3-10-5 and 3-10-6 of the Unified Code of Corrections [730 ILCS 5/8-5, 8-6, 10-5 and 10-6] for treatment or habilitation.

"Facility Director." The director or hospital administrator of a mental health or developmental disabilities facility.

"Guardian." The plenary guardian of the person or limited guardian of the person with specific court authority to make mental health decisions on the person's behalf. (Section 11a-14 of the Probate Act of 1975 [755 ILCS 5/11a-14]~~.~~.) It does not include a guardian ad litem or person in loco parentis or with power of attorney.

"Guardian ad litem." A person appointed by the court to defend or represent the interests of a minor or alleged legally disabled during a guardianship proceeding or in other matters. This person has no right to interfere with the minor's or alleged legally disabled person or estate.

"In loco parentis." Any individual, other than a parent or legal guardian, who has the primary functional responsibility of providing food, shelter, medical care and education to a minor.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Person subject to involuntary admission." A person who is mentally ill and who because of his or her illness:

is reasonably expected to inflict serious physical harm on him/herself or another in the near future; or

is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm. (Section 1-119 of the Code)

"Responsible relative." The spouse or, if the recipient is under 18 years of age, the parent of a recipient of services. (Section 1-124 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee, or the Manager of the Office of ~~Associate Director--for~~ Clinical Services when applicable pursuant to Section 1-108 of the Code.

"Transfer." The movement of a recipient from one Department facility to another Department facility or to a Veterans' Administration facility. This does not include movement from a Department facility to a non-Department facility (other than to a Veterans' Administration facility) or movement between separate units or discrete ~~discreet~~ portions of the same facility. It also does not include the discharge of a recipient.

c) Notice requirements

1) Notice of denial of admission
Whenever a person seeking admission to a Department facility is denied admission by the facility, the person shall be given within two hours written notice of his or her right to request a review of the denial of the facility's decision on the ~~MHDB-19a~~ Notice of Denial of Admission and Right to Request Review form ~~(for the mentally ill) or MHDB-19b, Notice of Denial of Admission and Right to Request Review (for the developmentally disabled)~~.

2) Notice of non-emergency transfer

A) ~~Mentally ill recipient~~
Whenever a ~~mentally--ill~~ recipient who has been in a Department facility for more than seven days is to be transferred to another facility, the facility director shall give written notice of the ~~such~~ proposed transfer on ~~form~~ the ~~MHDB-14b~~ "Notice of Transfer" form, to the persons identified in Sections 4-206 and 4-709 of the Code at least 14 days prior to the scheduled transfer.

B) ~~Developmentally disabled recipient~~
~~Whenever---a---developmentally---disabled---recipient---with developmental--disabilities--who--has--been--in-a-Department facility-for-more-than-seven-days-is-to--be--transferred--to another--facility,--the-facility-director-shall-give-written notice-of-such-proposed-transfer-on-form--MHDB-14b,--"Notice of--Transfer",--to--the-persons-identified-in-Sections-4-206 and-4-709-of--the--code--at--least--14--days--prior--to--the scheduled-transfer.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

B)~~c)~~ Notice of transfer and the right to object shall be given to recipients being transferred to the Chester Mental Health Center even when such recipients have been in the Department facility for less than seven days and to the adult recipient's attorney, guardian, if any, and responsible relative and to the minor recipient's attorney, parent, guardian or person in loco parentis who executed the application for admission in accordance with Section 3-910 of the Code. Except in an emergency, as specified in subsection (c)(3) of this Section, no transfer shall proceed pending the facility director's decision or any administrative or judicial review of that decision which is permitted by law. (See subsection (e)(3) for waiver provisions.)

3) Notice of emergency transfer
In an emergency, when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care and services are not available where the recipient is located, a recipient shall be transferred to another facility as soon as transfer arrangements can be made, provided that notice is given in accordance with subsection (c)(2) of this Section, as soon as possible but not later than 48 hours after the transfer. If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with prior written notice of the right to object as provided in Sections 3-910 and 4-709 of the Code and subsection (c)(2) of this Section.

4) Notice of discharge

A) Recipient in a mental health facility

i) Adult - Notice shall be given to the adult recipient, the recipient's attorney, and guardian, if any, on ~~form~~ the ~~MHDB-22a,~~ "Notice of Discharge" form, at least seven days prior to the date of intended discharge.

ii) Minor - Notice shall be given to his or her attorney, his or her parent, guardian, or person in loco parentis who executed the application for admission, and to the minor if he or she is 12 years of age or older, on the ~~form--MHDB-22a,~~ "Notice of Discharge" form, at least seven days prior to the date of intended discharge.

B) Recipient in a developmental disabilities facility

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

i) Notice shall be given at least 14 days prior to the date of discharge.

ii) Notice shall be given on the ~~MHDD-22b,~~ "Notice of Discharge" form, to the recipient, if he or she is 12 years of age or older, to the recipient's attorney and guardian, if any, ~~and~~ to the person who executed the application for admission~~,--Notice-shall-be--given--on form--MHDD-22c,--"Notice--of--Discharge",~~ and to the resident school district~~,~~ if the recipient is receiving educational services.

C) Discharge pending a hearing or review
No discharge shall proceed pending the facility director's decision or any administrative or judicial review of that decision which is permitted by law, except that persons temporarily admitted under Section 4-311 of the Code shall not stay beyond 30 days plus the additional time up to the hearing.

5) Notice contents

A) All notices for transfers or discharge shall include:

i) The reasons for the transfer or discharge;

ii) A statement of the right to object; and

iii) The address and telephone number of the Guardianship and Advocacy Commission.

B) All notices of denial of admission shall include:

i) A statement of the right to request a review of the denial; and

ii) The address and telephone number of the Guardianship and Advocacy Commission.

C) If the recipient's or guardian's primary language is not English or if the recipient or guardian is hearing impaired and/or vision impaired, arrangements must be made to provide for an adequate explanation in the person's primary language in accordance with the Department's rule at 59 Ill. Adm. Code 111.20 or preferred method of communication of the recipient's right to request a review. Arrangements will be made to secure the services of an interpreter who is fluent in the recipient's or guardian's primary language to explain the notice to the recipient or guardian. ~~If-a--staff--member is--available--who-is-fluent-in-the-language-required,-he-or she-should--be--requested--to--explain--the--notice--to--the recipient-or-guardian.~~

~~D) Notices--to--the-school-district-in-the-event-of-a-discharge are-exempt--from--the--contents--requirement--in--subsection (c)(5)(A)(ii)-of-this-Section.~~

6) Manner of service of notices
All notices required by Sections 3-405(a), 3-903(a), 3-910, 4-312(a), 4-704(a) and 4-709 of the Code shall be served personally on the recipient and/or objector whenever possible. A copy of the notice, signed by the recipient in acknowledgment of service, shall be placed in the recipient's clinical record. When personal service is not possible, first class mail shall be used to serve notice on the recipient and/or objector and any other person entitled to receive notice.

7) Aftercare and case coordination
Aftercare and case coordination shall be provided to all discharged and conditionally discharged recipients in accordance with the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).

d) Requests for review of denial of admission

1) To a mental health facility

A) Adult - A review of a denial of admission may be requested by the person seeking admission or, with the person's consent, by an interested person on his or her behalf.

B) Minor - The request may be made by the minor's attorney, by his or her parent, guardian or person in loco parentis who executed the application for admission, or by the minor if the minor is 16 years of age or older.

2) To a developmental disabilities facility
A review of the denial of admission may be requested by the person who executed the application for admission or by the attorney or guardian of the person for whom admission is sought.

3) Manner of requesting review
The request for review must be submitted, in writing, to the facility director of the facility to which admission was sought within 14 days after the denial. Facility staff shall notify the recipient or other persons requesting review that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written request for review of a denial of admission.

4) Admission pending review
An individual requesting review of admission denial does not have a right to admission pending the outcome of the hearing and review.

e) Objection to a transfer or discharge

1) Transfer of a recipient

A) Adult recipient in a mental health facility
A recipient may object to his or her transfer or the recipient's attorney, guardian, or responsible relative may object on the recipient's behalf.

B) Minor recipient in a mental health facility
The minor's attorney, the person who executed the application for admission, or the minor, if the minor is 12 years of age or older, may object to the transfer.

C) Recipient in a developmental disabilities facility
A recipient may object to his or her transfer or any person entitled to receive notice under subsection (c)(2) of this

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section, may object on the recipient's behalf.

D) Manner of making an objection
An objection to a transfer must be submitted, in writing, prior to the transfer or within 14 days after an emergency transfer to the facility director of the facility where the recipient is located. Facility staff shall notify the recipient or other persons objecting to a transfer that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written objection to a transfer.

2) Discharge of a recipient
A) In a mental health facility
i) Adult - A recipient may object to his or her discharge or the recipient's attorney or guardian may object on the recipient's behalf.
ii) Minor - The minor's attorney, the person who executed the application for admission, or the minor, if the minor is 12 years of age or older, may object to the discharge.
B) In a developmental disabilities facility
The recipient, if he or she is 12 years of age or older, may object to the discharge or conditional discharge, or the recipient's attorney or guardian, or the person who executed the application for admission, may object on the recipient's behalf.
C) Manner of making an objection
All objections to a discharge must be submitted, in writing, to the facility director of the facility where the recipient is located prior to the discharge. Facility staff shall notify the recipient or other persons objecting to a discharge that staff are available to assist in contacting the Guardianship and Advocacy Commission and to prepare a written objection to a discharge.

3) Waiver of hearing
A) Any person entitled to request a hearing regarding a denial of admission, a discharge or a transfer may waive his or her hearing thereon. If a legally competent adult recipient or legal representative on the recipient's behalf waives his/her hearing, a request for a hearing made by another person will not be honored.
B) A waiver shall be deemed effective only if all of the following conditions are satisfied:
i) The person has been advised of his or her rights to object and to have a hearing;
ii) The person has been advised of and understands the consequences of waiving such hearing; and
iii) The person has expressed his or her waiver of the hearing in writing.

C) All waivers shall be filed in the recipient's medical record along with the notice. The record should:
i) Reflect that the recipient was advised and understood the consequences of the waiver; and
ii) Indicate who made the decision that the recipient understood the consequences of the waiver.
D) When a waiver of a hearing has been made in accordance with subsection (e)(3)(B)(iii) of this Section, the Department may proceed to implement its transfer or discharge.
E) If the person, or legal representative on that person's behalf, withdraws the waiver prior to the expiration of the 14-day period for transfer or the seven-day period for discharge, such action shall be considered a formal objection and a hearing shall be scheduled. The responsibility for the hearing shall be with the transferring or discharging facility.

f) The utilization review committee
Each Department facility director shall recommend individuals to serve on ~~appoint~~ a utilization review committee(s) in accordance with Sections 3-207 and 4-209 of the Code to hear requests for review and objections received under the Code. The recommendations shall be sent to the Secretary or his or her designee for approval or denial.
1) The committee shall consist of at least three and not more than seven members, who shall represent at least two different professional clinical disciplines, trained and equipped to deal with the recipient's clinical and treatment needs (for persons with mental illness ~~the mentally ill~~) or habilitation needs (for persons with developmental disabilities ~~the developmentally disabled~~) or both types of needs for those persons with dual diagnosis ~~dually diagnosed individuals~~ in accordance with Section 112.20(g)(3). Clinical disciplines include psychiatry, psychology, medicine, nursing, social work, or the other disciplines that qualify a person to be a qualified mental retardation professional, as defined in Section 112.20(d).
A) The committee membership may be permanent or rotating, at ~~in~~ the facility director's discretion and must be approved by the Secretary; or~~;~~
B) The facility director shall not recommend himself/herself or designee, or any staff member involved in the decision to admit, transfer or discharge the recipient to ~~shall not~~ be a committee member or to participate in the committee's decision on any request for review or objection.
2) The facility director, or at the facility director's discretion, the committee, shall appoint, from the committee's membership, a chairperson who shall have the duties and responsibilities as set forth in subsection (g)(2)(A) of this Section.

g) The utilization review hearing
1) General provisions

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

A) Scheduling the hearing
Upon receipt of a request for a review or an objection, the facility director shall schedule a hearing to be held at the facility within seven working days. If the hearing is to review an objection to a transfer, the hearing shall be held at the transferring facility. When an emergency transfer has taken place, the hearing will be held at the receiving facility, provided that the hearing may be held at the transferring facility when the facility director of the receiving facility finds that either of the parties would not be able to completely present witnesses or evidence at a hearing at the receiving facility within the specified time.

B) Notice of hearing
The recipient and objector, and the representative or attorney of each, shall be informed, in writing, of the time, place and date of the hearing either personally or by first class mail at least 72 hours before the hearing.

C) Continuances
The committee chairperson, at ~~in~~ his or her sole discretion, may grant a continuance of the hearing at the request of the Department or the recipient or objector if he or she determines that a continuance would not adversely affect the rights of either of the parties to present evidence and witnesses.

D) Representative
The recipient and objector may be represented at the hearing by any person of his or her choice, subject to the provisions of subsection (g)(2)(A)(iv) of this Section.

E) Witnesses
The Department and the recipient and objector may present evidence orally and in writing and may present argument. The facility director or designee shall appoint one or more persons to present the Department's case at the hearing.

F) Right to be present
Unless waived by the recipient or his or her attorney, the recipient or the objector (if not the recipient) has the right to be present at the hearing as well as responsible relatives and other interested persons designated by the recipient.

2) Hearing procedures

A) Duties of the chairperson
The chairperson is responsible for the orderly conduct of the utilization review hearing. He or she shall conduct the hearing so that both the facility and the objector are allowed to present their evidence and arguments completely. To these ends, the chairperson has the following authorities and responsibilities, including, but not limited to:

i) Requiring the Department to present its evidence prior to hearing evidence from the recipient or objector;

ii) Prescribing the order of presentation within the Department's or objector's presentation to accommodate witnesses' schedules or respond to inquiries from committee members;

iii) Terminating the taking of testimony when the committee is satisfied that both parties have presented all relevant information related to the facility's decision;

iv) Declaring an individual ineligible to represent the recipient or objector due to his or her employment by the Department. If the chairperson declares an individual ineligible, he or she shall give the recipient an opportunity to secure a substitute within seven days. This shall not be used to prevent a Department employee from testifying on behalf of the recipient;

v) Taking official notice on the record of generally recognized technical, scientific or clinical facts within the Department's specialized knowledge;

vi) Insuring that a complete and accurate record of the hearing is made by an audio tape or stenographic recording;

vii) Insuring that the committee's findings of fact, conclusions and recommendations are in compliance with subsection (i)(2) of this Section.

B) Evidence

i) The committee shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that insures both parties are allowed to present their evidence and arguments completely.

ii) When the hearing will be expedited and the interests of the parties will not be prejudiced, all or any part of the evidence may be received in written form if disclosed to all other parties, at least two days, excluding weekends and holidays, prior to the hearing.

iii) Any party or representative may ask questions of any other party or witness, and the committee may ask questions of any party or witness. Questions impeaching the witnesses' character or credentials shall be prohibited.

iv) If the chairperson takes notice of any generally recognized technical, scientific, or clinical facts within the Department's specialized knowledge, he or she shall so inform the recipient and objector and shall afford them an opportunity to contest the material so noticed. The committee may use the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department's experience, technical competence and specialized knowledge in its evaluation of the evidence.

h) Standards

1) For denial of admission to a mental health facility

A) Informal and voluntary

The person may be denied admission if he or she is not clinically suitable for admission. This standard applies to all persons age 16 years or older who have executed their own application for admission. (See Sections 3-300(a), 3-400 and 3-502 of the Code.)

B) Application for a minor executed by his or her parent(s), guardian or person in loco parentis

The minor may be denied admission if the minor:

i) Does not have a mental illness or emotional disturbance; or

ii) Does not have a mental illness or emotional disturbance of such severity that hospitalization is necessary; or

iii) Has a mental illness or emotional disturbance of such severity that the minor's hospitalization is necessary but the minor is unlikely to benefit from inpatient treatment. (See Section 3-503(a) of the Code.)

C) Application for a minor is executed by another person 18 or older

The minor may be denied admission if those conditions listed in subsection (h)(1)(B) of this Section are present or if the minor is not in such condition that immediate hospitalization is necessary. (See Section 3-504(a) of the Code.)

2) For denial of admission to a developmental disabilities facility

A) Administrative admission

A person may be denied admission if he or she is not clinically suitable for admission. (See Section 4-302 of the Code.)

B) Temporary admission

A person may be denied admission if:

i) He or she is not developmentally disabled; or

ii) The parent or guardian will not benefit from respite care; or

iii) There is no crisis which necessitates immediate temporary residential services. (See Section 4-311 of the Code.)

3) For transfer from a mental health facility

A) All transfers occurring more than seven days after admission

The facility director may transfer a recipient if the transfer is clinically advisable and consistent with the recipient's treatment needs as defined by the recipient's individual treatment plan. (See Section 3-908 of the Code.)

B) Emergency transfers

A recipient may be transferred as soon as the transfer can be arranged when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care is not available at the facility where the recipient is located. (See Section 3-910(b) of the Code.) If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with prior written notice of the right to object as provided in Section 3-910 of the Code and subsection (c)(2).

C) Transfer to a more restrictive facility

A recipient may be transferred if the transfer is clinically advisable and consistent with the recipient's treatment needs as defined by the recipient's individual treatment plan and is required for the safety of the recipient or others. (See Sections 3-908 and 3-910(d) of the Code.)

D) Transfer of minors to adult units

A minor recipient may be placed in the same unit with adult recipients if:

i) The placement is to a medical-~~surgical~~ unit because of a physical illness; or

ii) The minor recipient is between 13 and 18 years of age and temporary security measures are needed. (See Section 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7].)~~.~~

4) For transfer from a developmental disabilities facility

A) All transfers occurring more than seven days after admission

The facility director may transfer a recipient if the transfer is appropriate and consistent with the recipient's habilitation needs as defined by the recipient's individual habilitation plan. A facility which is close to the recipient's place of residence shall be preferred unless the recipient requests otherwise or unless compelling reasons exist for preferring another facility. (See Section 4-707 of the Code.)

B) Emergency transfers

A recipient may be transferred as soon as the transfer can be arranged when the health of the recipient or the physical safety of the recipient or others is imminently imperiled and appropriate care and services are not available at the facility where the recipient is located. (See Section 4-709(a) of the Code.) If an emergency transfer cannot be effected within 48 hours after the decision to transfer, the transfer shall proceed only as a non-emergency transfer with prior written notice of the right to object and provided in Section 4-709 of the Code and subsection (c)(2) of this

Section.

C) Transfers to a more restrictive facility
A recipient may be transferred if the transfer is appropriate and consistent with the recipient's habilitation needs as defined by the recipient's individual habilitation plan and the transfer is reasonably required for the safety of the recipient or others. (See Sections 4-707 and 4-709(c) of the Code.)

D) Transfer of minors to adult units
A minor recipient may be placed in the same unit with adult recipients if:

i) The placement is to a medical-~~surgical~~ unit because of a physical illness; or

ii) The minor recipient is between 13 and 18 years of age and temporary security measures are needed. (See Section 7 of the Mental Health and Developmental Disabilities Administrative Act.)

5) For all discharges
For all discharges, the Department must not only prove by evidence offered at the hearing that the standards cited in subsections (f)(6) and(7) of this Section have been met, but must also determine and have in writing the determination that the recipient to be discharged is not currently in need of hospitalization and:

A) Is able to live independently in the community; or

B) Requires further oversight and supervisory care for which arrangements have been made with responsible relatives or a supervised residential program approved by the Department; or

C) Requires further personal care or general oversight as defined in the Nursing Home Care Act [210 ILCS 45], for which placement arrangements have been made with a family home or other licensed facility approved by the Department under Section 15 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15].

6) For discharges from a mental health facility

A) Voluntary, informal or minor admissions
The facility director may discharge any voluntary, informal or minor recipient who is clinically suitable for discharge. (See Section 3-902(a) of the Code.)

B) Involuntary admissions
The facility director shall discharge any recipient who is admitted on a court order for involuntary admission when the recipient is no longer subject to involuntary admission, unless voluntary admission is requested and the recipient is clinically suitable. (See Sections 1-119 and 3-902(b) of the Code.)

C) Transfers from Department of Corrections

The facility director shall release to the Department of Corrections any recipient transferred to the Department from the Department of Corrections under the provisions of Sections 3-8-5, or 3-10-5 of the Unified Code of Corrections when the recipient is no longer subject to involuntary admission, if he or she is 18 or older, or if the recipient no longer meets the standard for admission of a minor to a mental health facility if he or she is 17 or younger. (See Sections 3-8-6 or 3-10-6 of the Unified Code of Corrections.)

7) For discharges from a developmental disabilities facility

A) Administrative and temporary admissions
The facility director may discharge any recipient who is suitable for discharge. (See Section 4-701(a) of the Code.)

B) Conditional discharge
The facility director may grant a conditional discharge to a recipient when conditional discharge is appropriate and consistent with the recipient's habilitation needs. (See Section 4-702(a) of the Code.)

C) Judicial admissions
A recipient admitted to a facility upon court order for judicial admission may be discharged when the recipient no longer meets the standard for judicial admission, unless administrative admission is requested and the recipient is clinically suitable. (See Sections 4-500 and 4-701(b) of the Code.)

D) Transfers from Department of Corrections
The facility shall release to the Department of Corrections any recipient transferred to the Department from the Department of Corrections under the provisions of Sections 3-8-5, or 3-10-5 of the Unified Code of Corrections when the recipient no longer meets the standard for judicial admission, if he or she is 18 or older, or if the recipient is suitable for administrative admission to a developmental disability facility, if he or she is 17 or younger. (See Sections 3-8-6 or 3-10-6 of the Unified Code of Corrections.)

i) The committee's findings of fact, conclusions and recommendations

1) Within three working days after the conclusion of the utilization review hearing, the committee shall submit to the facility director its written findings of fact, conclusions and recommendations. The committee shall not consider or decide questions of law.

2) Findings of fact, conclusions and recommendations shall be separately stated and so labeled. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. The Department has the burden of proof in all utilization review hearings.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

A) Findings of fact
To conclude that the Department has sustained its burden of proof, the committee must find that the Department has established the facts by substantial evidence. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion (i.e., consists of more than a scintilla of evidence but somewhat less than a preponderance).

B) Conclusions and recommendations

i) If the committee finds that the Department has established the facts by substantial evidence, it shall make its written conclusion that the decision was based on substantial evidence and shall recommend that the decision be upheld.

ii) The committee shall recommend that the decision be overturned if it concludes that the Department has not sustained its burden of proof..

C) Manner of service of the committee's recommendations
A copy of the committee's recommendations, with its factual findings and conclusions, shall be given to the recipient and objector at the time the recommendations are submitted to the facility director. Service may be made either personally or by certified first class mail.

j) Facility director decision
The facility director shall review the committee hearing record to determine if the evidence supports the committee's findings of fact, conclusions and recommendations. The facility director shall not consider or decide issues of law nor participate in reviewing the committee's recommendations in those instances in which the facility director made the original decision which was appealed. In such circumstances, the facility director shall appoint a designee to review the committee's findings, conclusions and recommendations.

1) Decision
Within seven days, excluding Saturdays, Sundays and holidays, after ~~of~~ receipt of the committee's recommendations, the facility director shall either accept or reject the recommendations and shall state the reasons for accepting or rejecting the recommendations. The facility director shall provide a concise statement explaining the bases for his or her decision.

2) Manner of service of notice
The facility director shall give written notice using the ~~form MHBB-23,~~ "Notice of Facility Director's Decision" form, either by personal delivery or by certified first class mail, to the recipient and objector and their attorneys or representatives within the seven days specified in subsection (j)(1) of this Section.

3) Right to review

A) The facility director shall, in every case, advise the recipient and objector that if further review of his or her ~~his/her~~ decision is desired, it may be obtained by requesting review by the Secretary, in writing to the facility director, within seven working days of receipt of the decision.

B) If the facility director rejects the committee's recommendations or if the recipient or objector requests a review of the facility director's decision, the facility director shall forward a copy of his or her decision, the committees' recommendations and the hearing record to the Secretary, within two working days.

k) Review by the Secretary

1) How requested
Whenever a recipient or objector requests that the Secretary review the facility director's decision, such request must be in writing, either to the facility director or the Secretary. The person submitting the request must state the reasons he or she believes that the facility director's decision is incorrect.

2) Time for request
The person submitting the request for review must submit it within seven days after receipt of the facility director's decision. If he or she does not submit a request for review within this period, the facility director's decision shall be deemed final and reviewable in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

3) Scope of the review
The Secretary's review shall extend to all questions of law and of fact presented by the entire record of the utilization review hearing and the facility director's decision. The Secretary ~~Director~~ shall not consider any additional evidence. The committee's findings and conclusions on questions of fact shall be presumed to be true and correct.

4) The Secretary's authority
The Secretary shall, in reviewing any facility director's decision, have the authority, if he or she deems it necessary to reach a decision as to any question of fact or law based on the complete record:

A) To dismiss a request for review as moot or not ready for adjudication;

B) To approve or disapprove the facility director's decision in whole or in part;

C) To reverse and remand the facility director's decision in whole or in part and, in such case, to state the questions requiring further hearing or proceedings and to give such other instructions as deemed proper;

D) To remand the committee for the purpose of taking additional evidence when from the state of the record of the hearing, it shall appear that such is necessary to resolve the issues

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

raised at the hearing.

5) Manner of service of decision
The Secretary's decision shall be served on the recipient and objector and their attorneys or representatives, either by personal delivery or by certified first class mail, addressed to the recipient and objector at his or her last known address no later than 30 days after the person has submitted the request for the review.

6) Final administrative decision
The Secretary's decision shall constitute the Department's final administrative decision and no application for rehearing will be entertained. The decision is then reviewable in accordance with the Administrative Review Law.

(Source: Amended at 23 Ill. Reg. 10327, effective AUG 10 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Vocational Programs

2) Code Citation: 89 Ill. Adm. Code 780

3)

Section Numbers:	Adopted Action:
780.10	Repealed
780.20	Repealed
780.30	Repealed
780.40	Repealed
780.50	Repealed
780.60	Repealed

4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the "Disabled Persons Rehabilitation Act" [20 ILCS 2405/3 and 10].

5) Effective Date of Repealer: August 10, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

September 25, 1998, 22 Ill. Reg. 16869

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: This Part has been repealed

16) Information and questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3)

Section Numbers:	Adopted Action:
611.101	Amended
611.102	Amended
611.111	Amended
611.112	Amended
611.131	Added
611.160	Added
611.212	Amended
611.220	Amended
611.232	Amended
611.250	Amended
611.310	Amended
611.312	Added
611.313	Added
611.380	Added
611.381	Added
611.382	Added
611.383	Added
611.384	Added
611.385	Added
611.684	Amended
611.685	Amended
611.688	Added
611.720	Amended
611.740	Added
611.741	Added
611.742	Added
611.743	Added
611.744	Added
611.745	Added
611.851	Amended
611.853	Amended
611.881	Added
611.882	Added
611.883	Added
611.884	Added
611.885	Added
611.App. A	Amended
611.App. F	Added
611.App. G	Added
611.App. H	Added

4) Statutory authority: 415 ILCS 5/17, 17.5, and 27

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

5) Effective date: August 11, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. Section 611.102 is the centralized listing of all documents incorporated by reference for the purposes of Part 611. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. Finally, the present amendments include new documents incorporated by reference. Those documents are "Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, for Method 300.0, "Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0", 1997, for Method 300.1, "Methods for the Determination of Organic Compounds" in Drinking Water-Supplement II, August 1992, for Method 552.1, "Methods for the Determination of Organic Compounds in Drinking Water-Supplement III", August 1995, for Methods 502.2, 524.2, 551.1, and 552.2, Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method, Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method, Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method, Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method, Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method, Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique, Method 4500-ClO2 D, Chlorine Dioxide, DPD Method, Method 4500-ClO2 E, Chlorine Dioxide, Amperometric Method II, Method 6251 B, Disinfection By-Products: Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method, Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method, Method 5310 B, TOC, Combustion-Infrared Method, Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method, and Method 5310 D, TOC, Wet-Oxidation Method.

8) The adopted amendments, a copy of the Board's opinion and order adopted July 22, 1999, and all materials incorporated by reference are on file at the Board's Chicago office and are available for public inspection and copying at the address listed in item 16.

9) Notice of proposal published in Illinois Register: May 28, 1999, 23 Ill. Reg. 6217.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Revisions to the Text of the Proposed Amendments in Final Adoption

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section Revised	Source(s) of Revision(s)	Revision(s)
611.101 "CT" or "CTcalc"	JCAR, Board	Added period before closed parentheses in cross reference
611.101 "Compliance cycle"	JCAR	Added a comma after "2002"
611.101 "Conventional Filtration Treatment	Board	Added comma to series
611.101 "Disinfectant"	Board	Added comma to series
611.101 "Disinfectant contact time"	JCAR	Added "the point" before "where"
611.101 "Disinfection Byproduct"	Board	Removed hyphen from Byproduct
611.101 "Groundwater under the direct influence of surface water"	USEPA	Added definition
611.101 "Inorganic contaminant"	Board	Capitalized "BOARD NOTE"
611.101 "Maximum contaminant level"	JCAR	Added parentheses to cross reference
611.101 "Maximum Contaminant Level Goal"	USEPA, Board	Added definition; added note explaining that the Board does not routinely adopt MCLGs
611.101 "Maximum residual disinfectant level"	USEPA, Board, JCAR	Added statement explaining the enforcement of MRDLs; added parentheses to cross reference; capitalized "BOARD NOTE"
611.101 "Maximum residual disinfectant level goal"	Board	Added definition
611.101 "nm"	JCAR	Struck "th"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.101 "Paired sample"	JCAR	Added parentheses to cross reference; moved definition to alphabetical order
611.101 "Public Water System"	Board	Added comma to series
611.101 "Radioactive contaminants"	Board	Capitalized "BOARD NOTE"
611.101 "Special irrigation district"	JCAR	Changed "an" to "and"
611.101 "Total trihalomethanes"	JCAR	Added parentheses to cross reference
611.101 "Transient, non-community water system"	JCAR	Added parentheses to cross references (twice)
611.101 "Treatment"	JCAR	Added comma after "to"
611.101 "Total Trihalomethanes"	JCAR	Added parentheses to cross references (twice)
611.101 "Trihalomethane"	JCAR	Added comma to series
611.101 "ug"	JCAR	Struck "th"
611.102 "Technical Bulletin 601"	JCAR	Struck comma after month
611.102(a) "USEPA Organic Methods"	JCAR	Struck comma after month (three times)
611.102(b) "Access Analytical Systems, Inc."	JCAR, Board	Struck comma; added parentheses to cross reference
611.102(b) "Advanced Polymer Systems, Inc."	Board	Updated Code of Federal Regulations reference to 1998 edition
611.102(b) "ASTM Method D1688"	Board	Corrected spelling to "absorption"
611.102(b) "ERDA Health and Safety Laboratory"	Board	Updated Code of Federal Regulations reference to 1998 edition

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.102(b) "Method 6251 B"	JCAR	Removed hyphen from "byproducts"
611.102(b) "Supplement to the 19th Edition"	JCAR	Added colon after "1996"; struck quotation marks
611.102(b) "NSF"	JCAR, Board	Added comma; struck "(telephone" and closing parentheses
611.102(b) "NTIS"	JCAR, Board	Added comma; removed parentheses from telephone number
611.102(b) "USGS"	Board	Corrected closing quotation mark to opening mark
611.111	Board	Omitted "See Section 611.Table H."; changed "an SDWA" to "a SDWA"
611.111(a)(1)	JCAR	Added comma to offset a parenthetical
611.111(b)	Board	Renumbered subsection; added "Relief from an MCL"
611.111(b)(1)	Board, JCAR	Added "from an MCL"; omitted "that"
611.111(b)(1)(B)	USEPA	Changed "Subpart G" to "Subpart F"
611.111(b)(2)	Board	Changed "Section" to "subsection"; struck "or treatment technique" (twice)
611.111(b)(2)(A)	Board	Struck "or"; removed "treatment technique"
611.111(b)(2)(B)	Board, USEPA	Struck "or"; removed "treatment technique"; removed overstrike to restore "during the period ending on the date compliance with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		such requirement is required"
611.111(b)(3)	Board	Added "for relief from an MCL"; struck "or treatment technique"
611.111(b)(3)(B)	JCAR	Changed "a" to "an"; added comma
611.111(c)	Board	Added subsection
611.111(d)	Board	Renumbered subsection; added comma to a series
611.111(e)	Board	Renumbered subsection
611.111(e)(1)	JCAR, Board	Added a period to form a sentence; capitalized "However"; deleted "that"
611.111(e)(2)	JCAR	Changed "Or, from" to "From; a"
611.111(f)	Board	Changed "variance" to "relief" (three times); changed "1416" to "1415"
611.111(g)	JCAR	Reverted to singular "Section"
611.112	Board	Omitted "See Section 611.Table H."; changed "an SDWA" to "a SDWA"
611.112(a)	JCAR, Board	Added "a" before "site-specific"; added "requirement, or from both"
611.112(a)(1)	Board	Added comma to a series
611.112(b)(1)	USEPA	Added "or to implement measures to develop an alternative source of water supply"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.112(b)(4)	Board	Added "or, if compliance cannot be achieved, improve the quality of the drinking water"; added Board note
611.112(d)	USEPA, Board	Added "Schedule of compliance"; replaced semicolon with a comma; changed "other requirement" to "treatment technique requirement"; removed comma; changed "but no schedule ... requested" to "but not"
611.112(d)(1)	USEPA, JCAR, Board	Changed "the Board may ... variance if" to "No relief ... unless"; removed colons (twice)
611.112(d)(1)(C)	Board	Removed ending conjunction "and"; changed ending punctuation to a period
611.112(d)(2)	Board	Changed "four years" to "six years"
611.112(d)(3)	USEPA	Added subsection "A PWS may not ... Section 611.111 or 611.131."
611.112(e)	Board	Added comma to a series
611.112(f)	Board	Deleted article "a"; changed "variance" to "relief" (three times)
611.112(g)(1)	Board, JCAR	Added period to form sentence; capitalized "However"; deleted "that"; changed "a variance" to "relief"
611.112(h)	JCAR	Reverted to singular "Section"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.131(b)	JCAR	Added "a" before "PWS"
611.131(c)	Board	Used lower case "variance"
611.131(c)(2)	JCAR	Changed ending semicolon to a colon
611.131(d)(3)	JCAR	Added "of" before "more"
611.131(e)	JCAR	Changed "Federal" to "federal"
611.131(f)	JCAR	Removed comma after "Section"
611.131(f)(1)(D)	JCAR	Changed to lower case "federal"
611.131(f)(2)(C)	USEPA, Board	Added explanatory Board note
611.131(f)(2)(D)(ii)	JCAR	Changed to lower case "federal"
611.131(g)(1)	JCAR, USEPA	Changed to numeric "30"; changed "billed" to "served"
611.131(g)(2)	Board, USEPA	Omitted reference to subsection (g)(1)(B)
611.131(g)(2)(A)	JCAR	Changed brackets to parentheses
611.131(g)(2)(B)	JCAR	Changed brackets to parentheses; standardized cross-reference to Appendix; changed period to a semicolon
611.131(g)(2)(E)	JCAR	Changed ending period to a semicolon
611.131(g)(2)(G)	JCAR	Changed ending semicolon to period; omitted reference to subsection (g)(1)(B)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.131(g)(3)	JCAR	Changed to numeric "30"
611.131(h)	JCAR	Changed to numeric "30"
611.131(I)	Board	Changed "1416" to "1415"
611.131(j)	JCAR, Board	Changed to singular "Section"; added comma to a series
611.131 Board Note	JCAR	Deleted "Part"
611.160(c)	USEPA, Board	Put requirement into active voice; added "to the Board"; moved "pursuant to ... the Act" and offset it in commas as a parenthetical; changed "a PWS" to "it"; added proviso "except when ... Section 611.745(b)(4)" offset by a comma
611.212 Board note	Board	Updated Code of Federal Regulations reference to 1998 edition
611.220 Board note	Board	Updated Code of Federal Regulations reference to 1998 edition
611.232(b)	JCAR	Reorganized subsection numbering for clarity
611.232(e)	JCAR	Changed to lower case "coliform"
611.232(f)	USEPA	Changed date to "December 31, 2001" (twice)
611.250	JCAR	Changed "of" to "after"
611.250(d)	USEPA	Changed date to "January 1, 2002"
611.250(e)	USEPA	Changed date to "January 1, 2002"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.310(c)(1)	JCAR, USEPA	Added comma after "persons"; changed date to "December 31, 2001"
611.310(c)(2)	USEPA	Added comma after "persons"; changed date to "December 31, 2003"
611.310(c)(3)	USEPA	Changed date to "December 31, 2003"
611.312(b)(1)	USEPA	Changed date to "January 1, 2002"; changed date to "December 31, 2004"
611.312(b)(4)	JCAR, USEPA	Changed to numeric "24"; changed date to "December 31, 2003"
611.312(c)	Board	Changed "(DPB)" to "(DBP)"
611.313(b)(1)	USEPA	Changed date to "January 1, 2002"; changed date to "January 1, 2004"
611.313(b)(2)	USEPA	Changed date to "January 1, 2002"; changed date to "January 1, 2004"
611.380(a)(1)	USEPA	Added "or which ... disinfectant"
611.380(a)(3)	USEPA	Added subsection
611.380(b)(1)	USEPA, JCAR	Changed date to "January 1, 2002"; capitalized "Subpart" changed date to "January 1, 2004"
611.380(b)(2)	USEPA	Removed "and chlorite" (twice); changed date to "January 1, 2002"; changed date to "January 1, 2004"; changed "+/-" to "±" (twice)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.381(a)	USEPA	Removed parenthetical "or otherwise ... this Subpart"
611.381(b)(2)	USEPA	Added "except ... this Section"
611.381(b)(3)	USEPA	Added subsection
611.381(d)(4)	JCAR	Added closing parentheses before "divided"; changed "(i)" to "(A)"; changed "(ii)" to "(B)"
611.382(a)(1)	Board	Added closing period
611.382(b)(1)(A) table	USEPA, JCAR	Corrected cross reference to "Section 611.382(b)(1)(D)" (twice); added closing period after "persons"; deleted "persons" after "temperature"; changed "10,000 or more" to "fewer than 10,000"; in footnote added "with Agency approval"
611.382(b)(1)(B) table	USEPA, JCAR	Added "serving"; added closing period after "persons"
611.382(b)(1)(C)	USEPA	Added sentence "For systems ... this Section."
611.382(b)(1)(D)	USEPA	Added subsection
611.382(b)(1)(E)	USEPA	Renumbered subsection
611.382(b)(2)(A)(ii)	JCAR	Added "(b)(2)(A)(ii)" reference
611.382(c)(1)(A)	USEPA	Added "community and nontransient noncommunity water"; added "that use chlorine or chloramines"
611.382(d)(1)	JCAR	Changed "use" to "uses"; added "(d)(1)" after "subsections"; changed

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		"not later than" to "not past"
611.382(f)	JCAR, Board	Used numeric "30"; deleted "All"; corrected cross-reference to "Section 611.384"
611.383(a)(1)	USEPA	Changed "failure to monitor makes it impossible to determine compliance with the MCL" to "fails to monitor for"
611.383(a)(3)	Board	Corrected reference to "Section 611.382"
611.383(b)(1)(A)	Board, USEPA	Corrected reference to "Section 611.382(b)(1)"; deleted sentences "If the running ... Section 611.134. If a PWS ... available data."
611.383(b)(1)(B)	USEPA	Changed "compliance must ... Section 611.132(b)(1)" to "systems demonstrate ... Section 611.312"; added "and is not ... of that quarter"; added sentence "Systems required ... three quarters of monitoring."
611.383(b)(1)(C)	USEPA	Replaced subsection relating to returning to routine monitoring with one relating to public notice
611.383(b)(1)(D)	USEPA	Added subsection
611.383(b)(2)	Board	Corrected reference to "Section 611.382(b)(3)"; corrected reference to "Section 611.384"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.383(b)(3)	Board	Corrected reference to "Section 611.382(b)(2)(A)(ii)"; corrected reference to "Section 611.382(b)(2)(B)"; corrected reference to "Section 611.384"
611.383(c)(1)(A)	Board	Corrected reference to "Section 611.382(c)(1)"; corrected reference to "Section 611.384"
611.383(c)(1)(B)	Board	Corrected reference to "Section 611.384"
611.383(c)(2)(A)	Board, JCAR, USEPA	Corrected reference to "Section 611.382(c)(2)"; changed "exceed" to "exceeds"; added "in addition to ... Section 611.384" (twice)
611.383(c)(2)(B)	Board, JCAR, USEPA	Corrected reference to "Section 611.382(c)(2)"; added "in addition to ... Section 611.384" (twice)
611.383(d)	USEPA, JCAR, Board	Corrected reference to "Section 611.385(c)"; corrected reference to "Section 611.385(b)(3)"; added sentence "For systems ... Section 611.384"
611.384(b)	Board, USEPA	Corrected to plural "TTHMs"; corrected reference to "Section 611.382(b)" (five times); changed "quarter" to "monitoring period"
611.384(c)	Board	Corrected reference to "Section 611.382(c)" (twice)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.384(d)	Board	Corrected reference to "Section 611.382(d)" (twice); corrected reference to "Section 611.385(b)(2)"; corrected reference to "Section 611.385(c)(1)"; corrected reference to "Section 611.385(b)"; corrected reference to "Section 611.385(a)(2)(A)"; corrected reference to "Section 611.385(a)(2)(B)"; corrected reference to "Section 611.385(a)(2)(E)"; corrected reference to "Section 611.385(a)(2)(F)"; corrected reference to "Section 611.385(a)(2)(C)" (twice); corrected reference to "Section 611.385(a)(3)(A)"; corrected reference to "Section 611.385(a)(3)(B)"; corrected reference to "Section 611.385(a)(2)"
611.385(a)(2)	JCAR	Change "Section" to "Part"; deleted "of" after "use"
611.385(a)(2)(C)	Board, USEPA	Added commas to offset parenthetical "not later than ... Section 611.380(b)"; corrected date to "June 30, 2005"
611.385(b)(2)	JCAR, Board	Added "Step 1"; corrected reference to "611.381(d)"; used lower case "source"; added a space after "TOC"; changed less than sign to greater than sign
611.385(b)(3)	JCAR	Changed "of" to "after"
611.385(b)(4)	JCAR	Corrected reference to "subsection (b)(4)(B)"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.385(b)(4)(A)	JCAR	Corrected reference to "subsection (b)(4)(A)"
611.385(b)(4)(B)	JCAR	Capitalized "Target"
611.385(b)(4)(C)	Board	Corrected spelling of "equivalent"
611.385(b)(4)(D)	JCAR	Changed "Section" to "subsection"
611.385(b)(4)(E)	JCAR	Renumbered subsection "(b)(5)" as "(b)(4)(E)"
611.385(c)	Board	Used numeric "12"
611.684	Board	Added amendments: added "or 611.312(a)"; changed "supplier" to "PWS"; added comma to offset parenthetical "as provided ..."; added comma after "standard" to offset the final element of a series
611.685	Board	Added amendments: added comma to offset parenthetical "as directed ..."; added "or 611.381(b)"; changed to lower case "trihalomethanes"
611.688	USEPA	Changed date to "December 31, 2001"; changed date to "December 31, 2003" (twice)
611.740(a)	USEPA	Changed date to "January 1, 2002"
611.740(a)(1)	JCAR	Changed comma to semicolon
611.742(a)	JCAR	Changed to singular "subsection (a)(1)"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.742(a)(2)(C)	Board	Changed date to "March 31, 1999"
611.742(a)(2)(C)(i)	JCAR, USEPA	Changed date to "March 31, 2000"; changed comma to semicolon
611.742(a)(5)(A)	USEPA	Changed date to "March 31, 1999"
611.742(a)(5)(B)	Board	Changed date to "April 30, 1999"
611.742(a)(5)(C)	USEPA	Changed date to "March 31, 2000"
611.742(a)(5)(D)	JCAR, USEPA	Changed to singular "subsection (a)(2)(C)(ii)"; changed date to "December 31, 1999"
611.742(a)(5)(E)	USEPA	Changed date to "December 31, 1999"
611.742(b)(1)	USEPA	Added comma and "with ... 1 year"
611.742(b)(2)	JCAR, USEPA	Changed "CT99" to "subscript"; standardized Appendix cross-reference; changed date to "April 1, 2000"
611.742(b)(3)(A)	USEPA	Changed date to "April 1, 2000"
611.742(b)(4)(A)(i)	Board	Changed "CTcalc" to "CT(calc)"
611.742(b)(4)(A)(ii)	Board	Changed "CTcalc" to "CT(calc)" (four times)
611.742(b)(4)(B)	Board	Changed "CTcalc" to "CT(calc)" (twice)
611.743	USEPA	Changed date to "December 31, 2001"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.743(a)(1)	JCAR	Changed to plural "Sections"
611.743(a)(2)	JCAR	Changed to plural "Sections"
611.744(a)	JCAR	Changed to numerical "15"
611.744(b)	USEPA	Changed "but shall conduct ... failure of the equipment" to "until ... back online. A system shall ... after failure."
611.745	USEPA, JCAR	Changed date to "January 1, 2002" (twice); changed to plural "Sections"
611.745(b)(1)	JCAR	Changed to numerical "15"
611.745(b)(2)	JCAR	Changed to numerical "15"; changed "of" to "after"
611.745(b)(3)	JCAR	Changed to numerical "15"; changed to numerical "14"
611.745(b)(4)	JCAR	Changed to numerical "15"; changed to numerical "30"; changed to numerical "90"
611.851(c)(3)	JCAR	Changed "its" to "is"
611.882(c)(1)	JCAR	Changed ending punctuation to a semicolon followed by the conjunction "or"
611.883(b)(2)	USEPA	Changed "supplier" to "PWS"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.883(c)(1)	Board, USEPA	Changed to plural "definitions"; Added subsection (c)(1)(A), designated existing text as subsection (c)(1)(B)
611.883(c)(1)(B)	USEPA	Added "as close ... using"
611.883(d)(1)	JCAR	Added "(d)" after "subsection"
611.883(d)(3)	JCAR	Added comma before "except"
611.883(d)(4)(A)	JCAR	Standardized Appendix cross-reference
611.883(d)(4)(B)	USEPA	Added subsection
611.883(d)(4)(C)	Board	Renumbered subsection; capitalized "BOARD NOTE"
611.883(d)(4) Board note	JCAR, USEPA	Changed "Board Note" to "BOARD NOTE"; changed cross reference to "subsection (d)(4)(D)"; standardized Appendix cross-reference; used lower case "derived"
611.883(d)(4)(F)(i)	JCAR	Changed to numerical "40"
611.883(d)(4)(F)(ii)	JCAR	Changed to numerical "40"
611.883(d)(4)(H)	JCAR	Standardized Appendix cross-reference
611.883(d)(6)	JCAR	Standardized Appendix cross-reference
611.883(e)(3)	JCAR	Added comma after "water"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.883(f)	USEPA, JCAR	Corrected cross-reference to "subsection (d)(6) of this Section"
611.883(f)(3)	JCAR	Added "611." to Section numbers (four times); standardized Appendix cross-reference
611.883(f)(7)	JCAR	Deleted indefinite article "an" from before "administrative"
611.883(h)(1)	JCAR	Added comma after "water"; changed "paragraph" to "subsection"
611.883(h)(1)(B)(iv)	JCAR	Removed hyphen from byproduct
611.884(b)	JCAR	Capitalized "L"
611.884(c)	JCAR	Capitalized "L"
611.884(d)	USEPA	Changed "but fewer than 10%" to "and up to and including 10%"
611.884(e)	JCAR	Capitalized "L"; standardized Appendix cross-reference
611.885(b)	JCAR	Added comma after "to"; used lower case "posting"; changed semicolon to comma after "Internet"
611.885(g)(2)	JCAR	Changed "less" to "fewer"; corrected the spelling of "forgo"
611.Appendix A(14)	Board	Removed hyphen from "byproduct"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.Appendix A(78)	JCAR	Changed "Section" to "Appendix"; changed "Section" to "of this Appendix"
611.Appendix F heading	JCAR	Added "Maximum Contaminant Level"; added parentheses around "MCL"
611.Appendix F key of abbreviations	JCAR	Capitalized "L" (three times); capitalized "L" (twice); capitalized "Including"; added MCLGs
611.Appendix F table	USEPA	Added a column containing MCLGs
611.Appendix F table row 1	USEPA	Added parenthetical "systems ... month"; added "are positive ... monthly sample"
611.Appendix F table row 5	JCAR	Capitalized "L" (twice)
611.Appendix F table row 6	JCAR	Capitalized "L" (twice)
611.Appendix F table heading after row 22	JCAR	Capitalized "Including"
611.Appendix G key of abbreviations	JCAR	Capitalized "L" (three times)
611.Appendix G	USEPA	Added column setting forth MCLGs
611.Appendix G row 1	USEPA	Added parenthetical "systems ... month"; added "are positive ... sample"
611.Appendix G row 5	JCAR	Capitalized "L"
611.Appendix G row 6	JCAR	Capitalized "L"
611.Appendix G row 7	JCAR	Capitalized "Fire"; capitalized "Ceramics"; capitalized "Electronics"; capitalized "Solder"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.Appendix G row 12	JCAR, Board, USEPA	Capitalized "Runoff";
611.Appendix G heading after row 22	JCAR, Board, USEPA	Capitalized "Including"
611.Appendix G row 28	JCAR, Board, USEPA	Capitalized "L"
611.Appendix G row 32	JCAR	Removed space before "adipate"
611.Appendix G row 46	JCAR	Added hyphen to chemical name to break appropriately at the end of the line
611.Appendix G row 76	JCAR	Corrected spelling to "Xylenes"
611.Appendix H(2)	JCAR	Changed "E. Coli" to "E. coli"; removed excess spaces

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board has made all changes as recommended by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Docket R99-12:

A more detailed description is contained in the Board's opinion and order of July 22, 1999 in Docket R99-12, which opinion and order is available from the address below. Section 17.5 of the Environmental Protection Act

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

provides that Section 5 of the Administrative Procedure Act shall not apply.

The R99-12 proceeding updates the Board's SDWA drinking water regulations to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1998, through December 31, 1998.

Specifically, the amendments to 35 Ill. Adm. Code Part 611 include major revisions to the program for relief from national primary drinking water regulations (NPDWR)s, including additional mandatory requirements for, among other things, small system variances; introduction of entirely new requirements for consumer confidence reports, including expansive public notification requirements about potential health threats; adoption of new maximum contaminant levels (MCLs) to be phased in for disinfection and disinfectant byproducts; and addition of interim enhanced surface water treatment rules to improve control of microbiological pathogens while addressing risk trade-offs with disinfection byproducts.

16) Information and questions regarding these adopted rules shall be directed to:

Steven C. Langhoff
Attorney
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704
217-782-2615

Request copies of the Board's opinion and order of Docket R99-12 from Patricia Jones at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section
611.100 Purpose, Scope and Applicability
611.101 Definitions
611.102 Incorporations by Reference
611.103 Severability
611.107 Agency Inspection of PWS Facilities
611.108 Delegation to Local Government
611.109 Enforcement
611.110 Special Exception Permits
611.111 Relief Equivalent to SDWA Section 1415(a) Variances
611.112 Relief Equivalent to SDWA Section 1416 Exemptions ~~Variances~~
611.113 Alternative Treatment Techniques
611.114 Siting Requirements
611.115 Source Water Quantity
611.120 Effective dates
611.121 Maximum Contaminant Levels and Finished Water Quality
611.125 Fluoridation Requirement
611.126 Prohibition on Use of Lead
611.130 Special Requirements for Certain Variances and Adjusted Standards
611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160 Composite Correction Program

SUBPART B: FILTRATION AND DISINFECTION

Section
611.201 Requiring a Demonstration
611.202 Procedures for Agency Determinations
611.211 Filtration Required
611.212 Groundwater under Direct Influence of Surface Water
611.213 No Method of HPC Analysis
611.220 General Requirements
611.230 Filtration Effective Dates
611.231 Source Water Quality Conditions
611.232 Site-specific Conditions
611.233 Treatment Technique Violations
611.240 Disinfection
611.241 Unfiltered PWSs
611.242 Filtered PWSs
611.250 Filtration

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.261 Unfiltered PWSs: Reporting and Recordkeeping
611.262 Filtered PWSs: Reporting and Recordkeeping
611.271 Protection during Repair Work
611.272 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section
611.280 Point-of-Entry Devices
611.290 Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section
611.295 General Requirements
611.296 Acrylamide and Epichlorohydrin
611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section
611.300 Old MCLs for Inorganic Chemicals
611.301 Revised MCLs for Inorganic Chemicals
611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.311 Revised MCLs for Organic Contaminants
611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313 Maximum Residual Disinfectant Levels (MRDLs)
611.320 Turbidity
611.325 Microbiological Contaminants
611.330 Radium and Gross Alpha Particle Activity
611.331 Beta Particle and Photon Radioactivity

SUBPART G: LEAD AND COPPER

Section
611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
611.355 Public Education and Supplemental Monitoring
611.356 Tap Water Monitoring for Lead and Copper
611.357 Monitoring for Water Quality Parameters
611.358 Monitoring for Lead and Copper in Source Water
611.359 Analytical Methods
611.360 Reporting
611.361 Recordkeeping

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: DISINFECANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section
611.380 General Requirements
611.381 Analytical Requirements
611.382 Monitoring Requirements
611.383 Compliance Requirements
611.384 Reporting and Recordkeeping Requirements
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.480 Alternative Analytical Techniques
611.490 Certified Laboratories
611.491 Laboratory Testing Equipment
611.500 Consecutive PWSs
611.510 Special Monitoring for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.521 Routine Coliform Monitoring
611.522 Repeat Coliform Monitoring
611.523 Invalidation of Total Coliform Samples
611.524 Sanitary Surveys
611.525 Fecal Coliform and E. Coli Testing
611.526 Analytical Methodology
611.527 Response to Violation
611.531 Analytical Requirements
611.532 Unfiltered PWSs
611.533 Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.591 Violation of State MCL
611.592 Frequency of State Monitoring
611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
611.605 Nitrite Monitoring
611.606 Confirmation Samples
611.607 More Frequent Monitoring and Confirmation Sampling
611.608 Additional Optional Monitoring
611.609 Determining Compliance
611.610 Inorganic Monitoring Times
611.611 Inorganic Analysis
611.612 Monitoring Requirements for Old Inorganic MCLs
611.630 Special Monitoring for Sodium
611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.680 Sampling, Analytical and other Requirements
611.683 Reduced Monitoring Frequency
611.684 Averaging
611.685 Analytical Methods
611.686 Modification to System
611.687 Sampling for THM Potential
611.688 Applicability Dates

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.720 Analytical Methods
611.731 Gross Alpha
611.732 Manmade Radioactivity

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section
611.740 General Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

611.741 Standards for Avoiding Filtration
611.742 Disinfection Profiling and Benchmarking
611.743 Filtration
611.744 Filtration Sampling Requirements
611.745 Reporting and Recordkeeping Requirements

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section
611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations
611.852 Reporting other Violations
611.853 Notice to New Billing Units
611.854 General Content of Public Notice
611.855 Mandatory Health Effects Language
611.856 Fluoride Notice
611.858 Fluoride Secondary Standard
611.860 Record Maintenance
611.870 List of 36 Contaminants

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section
611.881 Purpose and Applicability of this Subpart
611.882 Compliance Dates
611.883 Content of the Reports
611.884 Required Additional Health Information
611.885 Report Delivery and Recordkeeping

APPENDIX A Mandatory Health Effects Information
APPENDIX B Percent Inactivation of G. Lamblia Cysts
APPENDIX C Common Names of Organic Chemicals
APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
APPENDIX E Mandatory Lead Public Education Information
APPENDIX F Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports
APPENDIX G Regulated Contaminants
APPENDIX H Health Effects Language
TABLE A Total Coliform Monitoring Frequency
TABLE B Fecal or Total Coliform Density Measurements
TABLE C Frequency of RDC Measurement
TABLE D Number of Lead and Copper Monitoring Sites
TABLE E Lead and Copper Monitoring Start Dates

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TABLE F Number of Water Quality Parameter Sampling Sites
TABLE G Summary of Monitoring Requirements for Water Quality Parameters
TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective AUG 11 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Ai" means "inactivation ratio".

"Approved source of bottled water", for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.
BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (1998). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT[calc]" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectant at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT[99.9]$_{-}$")
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"CT[99.9]" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT[99.9] for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611.Appendix B. (See "Inactivation Ratio".)
BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
BOARD NOTE: Derived from 40 CFR 141.2 (1998). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured, and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection Byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Filtration" means a process for removing particulate matter from water by passage through porous media.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GAC10" means granular activated carbon (GAC) filter beds with a empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia or (for Subpart B systems serving at least 10,000 persons only) Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water is as determined in Section 611.212.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (1998).

"Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter (mg/L) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

Ai = CT[calc]/CT[99.9]

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

B = SUM(Ai)

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of Giardia lamblia cysts.
BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (1998).

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than 150 service connections, for which it means the three-year compliance period that begins on January 1, 1996.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.
BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) (1998).

"L" means "liter".

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles ~~and~~/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level goal" ("MCLG") means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.
BOARD NOTE: Derived from 40 CFR 141.2 (1998). The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act.

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum residual disinfectant level goals" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

addition of the chemical for control of waterborne microbial contaminants.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"MFL" means millions of fibers per liter larger than 10 micrometers.
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (1998).

"mg" means milligrams (1/1000~~th~~ of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"nm" means nanometer (1/1,000,000,000~~th~~ of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system (TWS)" or a "non-transient non-community water system (NTNCWS)."
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."
BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA ~~U.S.--EPA~~ "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Person" means an individual, corporation, company, association, partnership, State, unit of local government, municipality or federal agency.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pCi" means the quantity of radioactive material

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

producing 2.22 nuclear transformations per minute.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Public Health" means the Illinois Department of Public Health.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance documents. "Radioactive contaminants" include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (1998). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptability of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.
BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (1998).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
BOARD NOTE: Derived from 40 CFR 141.2 (1998). See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in USEPA ~~U.S. EPA~~ regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D,2,3,7,8-TCDD, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and ~~an~~ bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
BOARD NOTE: Derived from 40 CFR 141.2 (1998) and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and that is subject to the requirements of Subpart B and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, 611.Appendix B, and 611.Appendix C of this Part.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV[254](in m(-1)) by its concentration of dissolved organic carbon (in mg/L).
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total Organic Carbon" ("TOC") means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.
BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (1998). (See the definition of THMs for a listing of the four compounds that USEPA considers TTHMs to comprise.)

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.
BOARD NOTE: Derived from 40 CFR 141.2 (1998). The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient non-community water systems.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THM are:
Trichloromethane (coliform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)
BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (1998).

"ug" means micrograms (1/1,000,000th of a gram).

"USEPA" or "U.S. EPA" means the U.S. Environmental Protection Agency.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is open to the atmosphere and that is used to store water that will undergo no further treatment except residual disinfection.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs", or "volatile organic chemicals" or "volatile organic contaminants", in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA under section 1428 of the SDWA.
BOARD NOTE: Derived from 40 CFR 141.71(b) (1998). The wellhead protection program includes ~~will include~~ the "groundwater protection needs assessment" under Section 17.1 of the Act, and ~~regulations to be adopted in~~ 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.102 Incorporations by Reference

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water", available from Millipore Corporation, Technical Services Department.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA Science and Technology Branch.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water", available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)", available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl -beta-d-glucuronide test"), also called the "Autoanalysis Colilert System", is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water", July, 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USDOE Manual" means "EML Procedures Manual", available from the United State Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Determination of Inorganic Substances in Environmental Samples", available from NTIS; "Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, for Method 300.0; "Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0", 1997, for Method 300.1.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July, 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water--Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement III", August 1995, for Methods 502.2, 524.2, 551.1, and 552.2.

~~"USGS--Methods" means "Methods of Analysis by the U.S. Geological Survey--National--Water--Quality---laboratory--Determination---of Inorganic---and---Organic---Constituents--in--Water--and--Fluvial Sediments", available from NTIS and USGS.~~

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual", EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

"USGS Methods" means "Methods of Analysis by the U.S. Geological

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography", available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., (See Environetics, Inc.)

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626:

Amco-AEPA-1 Polymer. See 40 CFR 141.22(a) (1998 ~~1995~~). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476:

"Standard Methods for the Examination of Water and Wastewater", 17th Edition 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater", 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Water Works Association.

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed."):

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN(-) C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN(-) E, Cyanide, Colorimetric Method.

Method 4500-CN(-) F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN(-) G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

~~Method 4500-Cl-B, Chlorine (Residual), Amperometric Titration Method.~~

~~Method 4500-Cl-B, Chlorine (Residual), Low-level Amperometric Titration Method.~~

~~Method 4500-Cl-P, Chlorine (Residual), DPD Ferrous Titrimetric Method.~~

~~Method 4500-Cl-G, Chlorine (Residual), DPD Colorimetric Method.~~

~~Method 4500-Cl-H, Chlorine (Residual), Syringaldazine (FACTS) Method.~~

~~Method 4500-Cl-I, Chlorine (Residual), Iodometric Electrode Technique.~~

Method 4500-ClO[2] C, Chlorine Dioxide, Amperometric Method I.

~~Method 4500-ClO[2]-D, Chlorine Dioxide, DPD Method.~~

~~Method 4500-ClO[2]-E, Chlorine Dioxide, Amperometric Method II (Proposed).~~

Method 4500-F(-) B, Fluoride, Preliminary Distillation Step.

Method 4500-F(-) C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F(-) D, Fluoride, SPADNS Method.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 4500-F(-) E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO[2](-) B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO[3](-) D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO[3](-) E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO[3](-) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O[3] B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-SO[4](2-) C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO[4](2-) D, Sulfate, Gravimetric Method with Drying of Residue.

Method 4500-SO[4](2-) F, Sulfate, Automated Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H, B, Tritium, Liquid Scintillation Spectrometric Method

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(P-A) Coliform Test.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."):

Method 7120-B, Gamma Spectrometric Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II.

Method 6251 B, Disinfection Byproducts; Haloacetic

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 5910 B, UV Absorbing Organic Constituents.

Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996:

Method 5310 B, TOC, Combustion-Infrared Method.

Method 5310 C, TOC, Persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water", July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", "Test Method A--complexometric Titration" & "Test Method B--Atomic Absorption Spectrophotometric", approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", "Test Method A--Colorimetric Ascorbic Acid Reduction", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water", approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water", "Test Method B--Electrometric or Color-Change Titration", approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples", approved June 15, 1991.

ASTM Method D1179-93 B "Standard Test Methods for Fluouride

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in Water", "Test Method B--Ion Selective Electrode", approved 1993.

ASTM Method D1293-84 "Standard Test Methods for pH of Water", "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement", approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--Atomic Absorption, Direct" & "Test Method C--Atomic Absorption ~~Absorbtion~~, Graphite Furnace", approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", approved July 28, 1972, discontinued in 1988.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water", approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", "Test Method A--Direct Fluorometric" & "Test Method B--Extraction", approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water", "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water", approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water", approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry", approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water", approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water", approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry", approved 1991.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1998 ~~1995~~).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, ~~(telephone: 734-769-8010)~~:

NSF Standard 61, section 9, September 1994.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, ~~(~~703~~)~~ 487-4600 or ~~(~~800~~)~~ 553-6847:

"Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (Referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498 (referred to as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July, 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, EPA-600-4-90-020 (referred to as "USEPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples", March, 1979, Doc. No. EMSLLV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

"Radiochemistry Procedures Manual", EPA-520/5-84-006, December, 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October, 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").
BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1995): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October, 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625:

"Determination of Radium 228 in Drinking Water", August 1980.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201:

"Determination of Ra-226 and Ra-228 (Ra-02)", January 1980, revised June 1982.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (1995).

"Fluoride in Water and Wastewater", #380-75WE, February, 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (1995).

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621:

"EML Procedures Manual", 27th Edition, Volume 1, 1990.

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey", 1997.

R-1110-76

R-1111-76

R-1120-76

R-1140-76

R-1141-76

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R-1142-76

R-1160-76

R-1171-76

R-1180-76

R-1181-76

R-1182-76

c) The Board incorporates the following federal regulations by reference: 40 CFR 136, Appendix B and C (1998).
d) This Part incorporates no later amendments or editions.

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.111 Relief Equivalent to SDWA Section 1415(a) Variances

This Section is intended to describe how the Board grants State relief ~~as--a State~~ equivalent to that available from USEPA under ~~of~~ Section 1415(a)(1)(A) and (B) of the SDWA. SDWA Section 1415 variances do not require ultimate compliance within five years in every situation. Variances under Sections 35-37 of the Act do require compliance within five years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA Section 1415 variance through one of three procedural mechanisms: a variance under Sections 35-37 of the Act and 35 Ill. Adm. Code 104; a site-specific rule under Sections 27-28 of the Act and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act and 35 Ill. Adm. Code 106.

a) The Board will ~~may~~ grant a PWS ~~supplier~~ a variance, a site-specific rule or an adjusted standard from an MCL or a treatment technique pursuant to this Section ~~a NPDWR in this Part~~.
   1) The PWS ~~supplier~~ shall file a ~~variance~~ petition pursuant to 35 Ill. Adm. Code 102, 104, or 106, as applicable~~, except as modified or supplemented by this Section~~.
   2) If a State requirement does not have a federal counterpart, the ~~The~~ Board may grant relief ~~a variance~~ from the ~~additional~~ State requirements ~~in this Part~~ without following this Section.

b) Relief from an MCL
   1)~~b~~ As part of the justification for relief from an MCL under this Section, ~~showing of arbitrary or unreasonable hardship~~, the PWS ~~supplier~~ shall demonstrate the following ~~that~~:
      A)~~1~~ Because of characteristics of the raw water sources and alternative sources that are reasonably available to the system, the PWS ~~supplier~~ cannot meet the MCL or the treatment technique is not necessary to protect the health of persons served ~~or other requirement~~; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

      B)~~2~~ The PWS will install or has installed the best available technology (BAT) (as identified in Subpart E of this Part), treatment technique, or other means which the Agency finds available. ~~system has applied BAT as identified in Subpart G of this Part~~. BAT may vary depending on:
         i)~~A~~ The number of persons served by the system;
         ii)~~B~~ Physical conditions related to engineering feasibility; and
         iii)~~C~~ Costs of compliance; and
      C)~~3~~ The variance will not result in an unreasonable risk to health~~, as defined in subsection (g) below~~.
   2)~~c~~ In any order granting relief under this subsection, the ~~The~~ Board will prescribe a schedule for:
      A)~~1~~ Compliance, including increments of progress, by the PWS ~~supplier~~, with each MCL or ~~other requirement~~ with respect to which the relief ~~variance~~ was granted, and
      B)~~2~~ Implementation by the PWS ~~supplier~~ of each additional control measure for each MCL with respect to which the relief is granted ~~or other requirement~~, during the period ending on the date compliance with such requirements is required.
   3)~~d~~ Schedule ~~A schedule~~ of compliance for relief from an MCL ~~will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable~~.
      A) A schedule of compliance will require compliance with each MCL with respect to which the relief was granted as expeditiously as practicable.
      B) If the Board prescribes a schedule requiring compliance with an MCL for which the relief is granted later than five years from the date of issuance of the relief, the Board will:
         i) Document its rationale for the extended compliance schedule;
         ii) Discuss the rationale for the extended compliance schedule in the required public notice and opportunity for public hearing; and
         iii) Provide the shortest practicable time schedule feasible under the circumstances.

c) Relief from a treatment technique requirement.
   1) As part of the justification for relief from a treatment technique requirement under this Section, the PWS shall demonstrate that the treatment technique is not necessary to protect the health of persons served because of the nature of the raw water source.
   2) The Board may prescribe monitoring and other requirements as a condition for relief from a treatmen technique requirement.

d)~~e)~~ The Board will hold at least one ~~provide notice and opportunity for a~~ public hearing. In addition the Board will accept comments as appropriate pursuant to ~~as provided in~~ 35 Ill. Adm. Code 102, 104, or 106.

e)~~f)~~ The Board will not grant relief ~~a variance~~:

1) From the MCL for total coliforms. However, ~~that~~ the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that prove ~~demonstrate~~ that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

2) From ~~0r~~ ~~from~~ any of the treatment technique requirements of Subpart B of this Part.

3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).

f)~~g)~~ The Agency shall promptly send USEPA the Opinion and Order of the Board granting a relief pursuant to this Section. The Board may reconsider and modify a grant of relief, or relief conditions, if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA. ~~As used in this Section and Section 611.112, "unreasonable risk to health level" ("URTH level") means the concentration of a contaminant that will cause a serious health effect within the period of time specified in the variance or exemption requested by a supplier seeking to come into compliance by installing the treatment required to reduce the contaminant to the MCL. URTH level determinations are made on the basis of the individual contaminant, taking into account: the degree by which the level exceeds the MCL; duration of exposure; historical data; and population exposed. A risk to health is assumed to be unreasonable unless the supplier demonstrates that there are costs involved that clearly exceed the health benefits to be derived.~~

g)~~h)~~ In addition to the requirements of this Section, the ~~The~~ provisions of Section 611.130 or 611.131 may apply to relief granted ~~determinations made~~ pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 (~~1998~~1994), from Section 1415(a)(1)(A) and (B) of the SDWA and from the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102. USEPA ~~U.S. EPA~~ has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (~~1998~~1994).

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.112 Relief Equivalent to SDWA Section 1416 Exemptions ~~Variances~~

This Section is intended to describe how the Board grants State relief ~~as a State~~ equivalent to that available from USEPA under ~~of~~ Section 1416 of the SDWA. SDWA Section 1416 exemptions do not require ultimate compliance within five years in every situation. Variances under Sections 35-37 of the Act do require compliance within 5 years in every case. Consequently, a PWS may have the option of seeking State regulatory relief equivalent to a SDWA Section 1416 exemption through one of three procedural mechanisms: a variance under Sections 35-37 of the Act and 35 Ill. Adm. Code 104; a site-specific rule under Sections 27-28 of the Act and 35 Ill. Adm. Code 102; or an adjusted standard under Section 28.1 of the Act and 35 Ill. Adm. 106.

a) The Board will ~~may~~ grant a PWS ~~supplier~~ a variance, a site-specific rule, or an adjusted standard from ~~any requirement respecting~~ an MCL or treatment technique requirement, or from both, pursuant to this Section ~~requirement of an NPDWR in this Part~~.

1) The PWS ~~supplier~~ shall file a ~~variance~~ petition pursuant to 35 Ill. Adm. Code 102, 104, or 106, as applicable~~, except as modified or supplemented by this Section~~.

2) If a State requirement does not have a federal counterpart, the ~~The~~ Board may grant relief ~~a variance~~ from the ~~additional~~ State requirements ~~in this Part~~ without following this Section.

b) As part of the justification for relief under this Section ~~showing of arbitrary or unreasonable hardship~~, the PWS ~~supplier~~ shall demonstrate the following ~~that~~:

1) Due to compelling factors (which may include economic factors), the PWS ~~supplier~~ is unable to comply with the MCL or treatment technique requirement, or to implement measures to develop an alternative source of water supply;

2) The PWS ~~supplier~~ was:

A) In operation on the effective date of the MCL or treatment technique requirement; or

B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the PWS ~~supplier~~; ~~and~~

3) The relief ~~variance~~ will not result in an unreasonable risk to health; ~~and~~

4) Management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR or, if compliance cannot be achieved, improve the quality of the drinking water.

BOARD NOTE: In determining that management or restructuring changes cannot reasonably be made that will result in compliance with the NPDWR, the Board will consider the factors required by USEPA under 40 CFR 142.20(b)(1).

c) In any order granting relief under this Section, the ~~The~~ Board will prescribe a schedule for:

1) Compliance, including increments of progress, by the PWS ~~supplier~~, with each MCL and treatment technique requirement with respect to which the relief ~~variance~~ was granted; and

2) Implementation by the PWS ~~supplier, during the period ending on the date when compliance is required,~~ of each additional control measure for each contaminant subject to the MCL or treatment technique requirement with respect to which relief was granted.

d) A schedule of compliance will require compliance with each MCL or Schedule of compliance treatment technique ~~other~~ requirement with respect to which ~~the~~ relief ~~variance~~ was granted as expeditiously as practicable, ~~, but no schedule shall extend more than 12 months after the date of the~~ but not later than three years after the otherwise applicable compliance date established in Section 1412(b)(10) of the SDWA ~~variance~~, except as follows:

1) No relief may be granted unless ~~The Board may extend the date for a period not to exceed three years beyond the date of the variance if~~ the PWS ~~supplier~~ establishes~~:~~ that it is taking all practicable steps to meet the NPDWR ~~standard~~; and

A) The PWS ~~supplier~~ cannot meet the NPDWR ~~standard~~ without capital improvements that cannot be completed within 12 months;

B) In the case of a PWS ~~supplier~~ that needs financial assistance for the necessary improvements, the PWS ~~supplier~~ has entered into an agreement to obtain such financial assistance; or

C) The PWS ~~supplier~~ has entered into an enforceable agreement to become a part of a regional PWS~~, and~~.

2) In the case of a PWS which serves 3,300 or fewer persons ~~with 500 or fewer service connections~~ that needs financial assistance for the necessary improvements, relief ~~a variance under subsections (d)(1)(A) or (d)(1)(B) above~~ may be renewed for one or more additional two year periods, not to exceed a total of six years, if the PWS ~~supplier~~ establishes that it is taking all practicable steps to meet the final date for compliance.

3) A PWS may not receive relief under this Section if the PWS was granted relief under Section 611.111 or 611.131.

e) The Board will hold at least one ~~provide notice and opportunity for a~~ public hearing. In addition the Board will accept comments as appropriate pursuant to ~~as provided in~~ 35 Ill. Adm. Code 102, 104, or 106.

f) The Agency shall promptly send USEPA ~~U.S. EPA~~ the Opinion and Order of the Board granting relief ~~a variance~~ pursuant to this Section. The Board may reconsider and modify a grant of relief ~~variance~~, or relief ~~variance conditions~~, if USEPA ~~U.S. EPA~~ notifies the Board of a finding pursuant to Section 1416 of the SDWA.

BOARD NOTE: Derived from Section 1416 of the SDWA.

g) The Board will not grant relief ~~a variance~~:

1) From the MCL for total coliforms. ~~, provided~~ However, ~~that~~ the Board may grant relief ~~variance~~ from the total coliform MCL of Section 611.325 for PWSs that prove ~~demonstrate~~ that the violation of the total coliform MCL is due to persistent growth

of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

2) From any of the treatment technique requirements of Subpart B of this Part.

3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).

h) In addition to the requirements of this Section, the ~~The~~ provisions of Section 611.130 or 611.131 may apply to relief granted ~~determinations made~~ pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 (1998~~1994~~). USEPA ~~U.S. EPA~~ has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (1998~~1994~~).

(Source: Amended at 23 Ill. Reg. ~~10348~~, effective AUG 11 1999)

Section 611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance

This Section is intended as a State equivalent of Section 1415(e) of the SDWA.

a) Variances may be obtained from the requirement to comply with an MCL or treatment technique to a PWS serving fewer than 10,000 persons in this Section. The PWS shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

b) The Board will grant a small system variance to a PWS serving fewer than 3,300 persons. The Board will grant a small system variance to a PWS serving more than 3,300 persons but fewer than 10,000 persons with the approval of the USEPA. In determining the number of persons served by the PWS, the Board will include persons served by consecutive systems. A small system variance granted to a PWS also applies to any consecutive system served by it.

c) Availability of a variance.

1) A small system variance is not available under this Section for an NPDWR for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

2) A small system variance under this Section is available for compliance with a requirement specifying an MCL or treatment technique for a contaminant with respect to which:

A) An NPDWR was promulgated on or after January 1, 1986; and

B) The USEPA has published a small system variance technology pursuant to Section 1412(b)(15) of the SDWA.

BOARD NOTE: Small system variances are not available for PWSs above the pre-1986 MCL even if subsequently revised. If the USEPA revises a pre-1986 MCL and makes it more stringent, then a variance would be

available for that contaminant, but only up to the pre-1986 maximum contaminant level.

d) No small system variance will be in effect until the later of the following:

1) 90 days after the Board proposes to grant the small system variance;

2) If the Board is proposing to grant a small system variance to a PWS serving fewer than 3,300 persons and the USEPA objects to the small system variance, the date on which the Board makes the recommended modifications or responds in writing to each objection; or

3) If the Board is proposing to grant a small system variance to a PWS serving a population of more than 3,300 and fewer than 10,000 persons, the date the USEPA approves the small system variance.

e) As part of the showing of arbitrary or unreasonable hardship, the PWS shall prove and document the following to the Board:

1) The PWS is eligible for a small system variance pursuant to subsection (c) of this Section;

2) The PWS cannot afford to comply with the NPDWR for which a small system variance is sought, including by:

A) Treatment;

B) Alternative sources of water supply;

C) Restructuring or consolidation changes, including ownership change or physical consolidation with another PWS; or

D) Obtaining financial assistance pursuant to Section 1452 of the SDWA or any other federal or State program;

3) The PWS meets the source water quality requirements for installing the small system variance technology developed pursuant to guidance published under Section 1412(b)(15) of the SDWA;

4) The PWS is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and

5) The terms and conditions of the small system variance ensure adequate protection of human health, considering the following:

A) The quality of the source water for the PWS; and

B) Removal efficiencies and expected useful life of the small system variance technology.

f) Terms and Conditions.

1) The Board will set the terms and conditions of a small system variance issued under this Section and will include, at a minimum, the following requirements:

A) Proper and effective installation, operation, and maintenance of the applicable small system variance technology in accordance with guidance published by the USEPA, taking into consideration any relevant source water characteristics and any other site-specific conditions that may affect proper and effective operation and maintenance of

the technology;

B) Monitoring requirements, for the contaminant for which a small system variance is sought; and

C) Any other terms or conditions that are necessary to ensure adequate protection of public health, which may include:

i) Public education requirements; and

ii) Source water protection requirements.

2) The Board will establish a schedule for the PWS to comply with the terms and conditions of the small system variance that will include, at a minimum, the following requirements:

A) Increments of progress, such as milestone dates for the PWS to apply for financial assistance and begin capital improvements;

B) Quarterly reporting to the Agency of the PWS' compliance with the terms and conditions of the small system variance;

C) Schedule for the Board to review the small system variance; and

BOARD NOTE: Corresponding 40 CFR 142.307(d) provides that the states must review variances no less frequently than every five years. Section 36 of the Act provides that 5 years is the maximum terms of a variance.

D) Compliance with the terms and conditions of the small system variance as soon as practicable, but not later than three years after the date on which the small system variance is granted. The Board may allow up to two additional years if the Board determines that additional time is necessary for the PWS to:

i) Complete necessary capital improvements to comply with the small system variance technology, secure an alternative source of water, or restructure or consolidate; or

ii) Obtain financial assistance provided pursuant to Section 1452 of the SDWA or any other federal or State program.

g) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

1) At least 30 days before the public hearing to discuss the proposed small system variance, the PWS shall provide notice to all persons serve by the PWS. For billed customers, this notice must include the information listed in subsection (g)(2) of this Section. For other persons regularly served by the PWS, notice must provide sufficient information to alert readers to the proposed variance and direct them to where to receive additional information, and must be as provided in subsection (g)(1)(B) of this Section. Notice must be by:

A) Direct mail or other home delivery to billed customers or other service connections, and

B) Any other method reasonably calculated to notify, in a brief and concise manner, other persons regularly served by the PWS. Such methods may include publication in a local newspaper, posting in public places or delivery to community organizations.

2) The notice in subsection (g)(1)(A) of this Section must include, at a minimum, the following:

A) Identification of the contaminant(s) for which a small system variance is sought;

B) A brief statement of the health effects associated with the contaminant(s) for which a small system variance is sought using language in Appendix H of this Part;

C) The address and telephone number at which interested persons may obtain further information concerning the contaminant and the small system variance;

D) A brief summary, in easily understandable terms, of the terms and conditions of the small system variance;

E) A description of the consumer petition process under subsection (h) of this Section and information on contacting the USEPA Regional Office;

F) A brief statement announcing the public meeting required under subsection (g)(3) of this Section, including a statement of the purpose of the meeting, information regarding the time and location for the meeting, and the address and telephone number at which interested persons may obtain further information concerning the meeting; and

G) In communities with a large proportion of non-English-speaking residents, as determined by the Board, information in the appropriate language regarding the content and importance of the notice.

3) The Board will provide for at least one public hearing on the small system variance. The PWS shall provide notice in the manner required under subsection (g)(1) of this Section at least 30 days prior to the public hearing.

4) Prior to promulgating the final variance, the Board will respond in writing to all significant public comments received relating to the small system variance. Response to public comment and any other documentation supporting the issuance of a variance will be made available to the public after final promulgation.

h) Any person served by the PWS may petition the USEPA to object to the granting of a small system variance within 30 days after the Board proposes to grant a small system variance for the PWS.

i) The Agency shall promptly send the USEPA the Opinion and Order of the Board granting the proposed small system variance. The Board will make the recommended modifications, respond in writing to each objection, or withdraw the proposal to grant the small system variance if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA.

j) In addition to the requirements of this Section, the provisions of Section 611.111, 611.112, or 611.130 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 142, Subpart K (1998).

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.160 Composite Correction Program

a) The Agency may require in writing that a PWS conduct a Composite Correction Program (CCP). The CCP shall consist of two elements: a Comprehensive Performance Evaluation (CPE) and a Comprehensive Technical Assistance (CTA).

1) A CPE is a thorough review and analysis of a plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It must identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasize approaches that can be implemented without significant capital improvements.

2) For purposes of compliance with Subpart R of this Part, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of the CPE report.

3) A CTA is the performance improvement phase that is implemented if the CPE results indicate improved performance potential. During the CTA phase, the PWS shall identify and systematically address plant-specific factors. The CTA is a combination of utilizing CPE results as a basis for followup, implementing process control priority-setting techniques and maintaining long-term involvement to systematically train staff and administrators.

b) A PWS shall implement any followup recommendations made in writing by the Agency that result as part of the CCP.

c) A PWS may appeal to the Board, pursuant to Section 40 of the Act, any Agency requirement that it conduct a CCP or any followup recommendations made in writing by the Agency that result as part of the CCP, except when a CPE is required under Section 611.745(b)(4).

BOARD NOTE: Derived from 40 CFR 142.16 (1998).

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.212 Groundwater under Direct Influence of Surface Water

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate whether they are using "groundwater under the direct influence of surface water". The Agency shall determine with information provided by the supplier whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency shall determine that a groundwater source is under the direct influence of surface water based upon:

a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters include: springs, infiltration galleries, wells or other collectors in subsurface aquifers.

b) Well construction characteristics and geology with field evaluation.
   1) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.
   2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.
   3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:
      A) A surface sanitary seal using bentonite clay, concrete or similar material,
      B) A well casing that penetrates consolidated (slowly permeable) material, and
      C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.
   4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.

c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.

d) Source water quality records. The following are indicative that a source is under the influence of surface water:
   1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,
   2) A history of turbidity problems associated with the source, or
   3) A history of known or suspected outbreaks of Giardia lamblia, Cryptosporidium, or other pathogenic organism associated with surface water ~~(e.g. cryptospridium)~~ that has been attributed to that source.

e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.
   1) A variation in turbidity of 0.5 NTU or more over one year is indicative of surface influence.
   2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.

f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.
   1) Evidence of particulate matter associated with the surface water, or
   2) Turbidity or temperature data which correlates to that of a nearby surface water source.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.
   1) "Large diameter" particulates are those over 7 micrometers.
   2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

h) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source "under the direct influence of surface water".

BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2 (1998~~1995~~; from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.220 General Requirements

a) The requirements of this Subpart constitute NPDWRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:
   1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
   2) At least 99.99 percent (4-log) removal or inactivation of viruses

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b) A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:
   1) It meets the requirements for avoiding filtration in Section 611.230 through 611.232 and the disinfection requirements in Section 611.241; or
   2) It meets the filtration requirements in Section 611.250 and the disinfection requirements in Section 611.242.

c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].

d) Additional requirements for PWSs serving 10,000 or more persons. In addition to complying with requirements in this Subpart, PWSs serving 10,000 or more persons must also comply with the requirements of Subpart R of this Part.

BOARD NOTE: Derived from 40 CFR 141.70 (1998~~1995~~). The Public Water Supply Operations Act applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.232 Site-specific Conditions

The Agency shall consider the following site specific criteria in determining whether to require filtration pursuant to Section 611.211:

a) Disinfection.
   1) The supplier shall meet the requirements of Section 611.241(a) at least 11 of the 12 previous months that the system served water to the public, on an ongoing basis, unless the system fails to meet the requirements during 2 of the 12 previous months that the system served water to the public, and the Agency determines that at least one of these failures was caused by circumstances that were unusual and unpredictable.
   2) The supplier shall meet the following requirements at the times specified for each:
      A) The requirements of Section 611.241(b)(1), at all times the system serves water to the public; and
      B) The requirements of Section 611.241(b)(2) at all times the system serves water to the public, unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

   3) The supplier shall meet the requirements of Section 611.241(c) at all times the system serves water to the public unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.
   4) The supplier shall meet the requirements of Section 611.241(d) on an ongoing basis unless the Agency determines that failure to meet these requirements was not caused by a deficiency in treatment of the source water.

b) Watershed control program. The supplier shall maintain a watershed control program which minimizes the potential for contamination by Giardia lamblia cysts and viruses in the source water.
   1) The Agency shall determine whether the watershed control program is adequate to meet this goal. The Agency shall determine the adequacy of a watershed control program based on:
      A)~~1)~~ The comprehensiveness of the watershed review;
      B)~~2)~~ The effectiveness of the system's program to monitor and control detrimental activities occurring in the watershed; and
      C)~~3)~~ The extent to which the water system has maximized land ownership or controlled the land use within the watershed. At a minimum, the watershed control program must:
         i)~~A)~~ Characterize the watershed hydrology and land ownership;
         ii)~~B)~~ Identify watershed characteristics and activities which may have an adverse effect on source water quality; and
         iii)~~C)~~ Monitor the occurrence of activities which may have an adverse effect on source water quality.
   2)~~4)~~ The supplier shall demonstrate through ownership or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the source water. The supplier shall submit an annual report to the Agency that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and describes how the supplier expects to address them. For systems using a groundwater source under the direct influence of surface water, an approved wellhead protection program may be used, if appropriate, to meet these requirements.

c) On-site inspection. The supplier shall be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process. The Agency shall conduct the inspection. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must demonstrate that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site

inspection must include:

1) A review of the effectiveness of the watershed control program;
2) A review of the physical condition of the source intake and how well it is protected;
3) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;
4) An inspection of the disinfection equipment for physical deterioration;
5) A review of operating procedures;
6) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and
7) Identification of any improvements which are needed in the equipment, system maintenance and operation or data collection.

d) Absence of waterborne disease outbreaks. The PWS must not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence.

e) Total coliform ~~coliform~~ MCL. The supplier shall comply with the MCL for total coliforms in Section 611.325 at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the Agency determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

f) TTHM MCL. The supplier shall comply with the MCL for TTHM in Section 611.310. The PWS shall comply with the requirements for trihalomethanes until December 31, 2001. After December 31, 2001, the system shall comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide in Subpart I of this Part.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1998~~+99+~~).

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.250 Filtration

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in Section 611.231 and 611.232 for avoiding filtration, shall provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment which complies with the requirements of subsection (a), (b), (c), (d) or (e) by June 29, 1993, or within 18 months after ~~of~~ the failure to meet any one of the criteria for avoiding filtration in Section 611.231 and 611.232, whichever is later. Failure to meet any requirement after the date specified in this introductory paragraph is a treatment technique violation.

a) Conventional filtration treatment or direct filtration.

1) For systems using conventional filtration or direct filtration,

the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, except that, if the Agency determines, by special exception permit, that the system is capable of achieving at least 99.9 percent removal or inactivation of Giardia lamblia cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency shall substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit that allows more than 1 NTU in more than 5 percent of the samples taken each month.

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

b) Slow sand filtration.

1) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception permit, that there is no significant interference with disinfection at a higher level, the Agency shall substitute the higher turbidity limit for that system.

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

c) Diatomaceous earth filtration.

1) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by special exception permit application, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts and 99.99 percent removal or inactivation of viruses. For a system that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, systems serving 10,000 or more persons shall meet the requirements for other filtration technologies in Section 611.743(b).

e) Turbidity is measured as specified in Sections 611.531(d) and 611.533(a). Beginning January 1, 2002, systems serving 10,000 or more persons shall meet the turbidity requirements in Section 611.743(a).

BOARD NOTE: Derived from 40 CFR 141.73 (1998~~+99+~~).

(Source: Amended at 23 Ill. Reg. 10348, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

AUG 11 1999)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in subsections (a) and (b) apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Section 611.641 et seq. Compliance with the MCL for TTHM is calculated pursuant to Subpart P.

Contaminant	Level mg/L	Additional State Requirement (*)
a) Chlorinated hydrocarbons:		
Aldrin	0.001	*
DDT	0.05	*
Dieldrin	0.001	*
Heptachlor	0.0001	*
Heptachlor epoxide	0.0001	*

BOARD NOTE: Originally derived from 40 CFR 141.12(a) (1994), USEPA ~~U.S.--EPA~~ removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA ~~U.S.--EPA~~ added another listing of organic MCLs at 40 CFR 141.61 (1994). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

b) Chlorophenoxys:		
2,4-D	0.01	*

BOARD NOTE: Originally derived from 40 CFR 141.12(b) (1994), USEPA ~~U.S.--EPA~~ removed the last entry in this subsection and marked it reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding Board Note regarding the dual listing of MCLs for 2,4-D.

c) TTHM	0.10	*

1) The MCL of 0.10 mg/L for TTHM applies to a Subpart B community water system that serves 10,000 or more persons, until December 31, 2001.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2) The MCL of 0.10 mg/L for TTHM applies to community water systems that use only groundwater not under the direct influence of surface water and serve 10,000 or more persons, until December 31, 2003.

3) After December 31, 2003, the MCL for TTHM in this Section is no longer applicable.

BOARD NOTE: Derived in part from 40 CFR 141.12(c) (~~1998~~1994). This is an additional State requirement to the extent it applies to supplies other than CWSs that add a disinfectant at any part of treatment and which provide water to 10,000 or more persons ~~individuals~~. Also derived from 40 CFR 141.12 (1998). The new MCL for TTHM is listed in Section 611.312.

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)

a) The maximum contaminant levels (MCLs) for disinfection byproducts (DBPs) are as follows:

Disinfection byproduct	MCL (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

b) Compliance dates.

1) CWSs and NTNCWSs. A Subpart B system serving 10,000 or more persons shall comply with this Section beginning January 1, 2002. A Subpart B system serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water shall comply with this Section beginning January 1, 2004.

2) A PWS that is installing GAC or membrane technology to comply with this Section may apply to the Board for an extension of up to 24 months past the dates in subsection (b)(1) of this Section, but not beyond December 31, 2003. The Board shall grant the extension, and shall set a schedule for compliance and may specify any interim measures that the PWS must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of an NPDWR.

c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts (DPBs)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

identified in subsection (a) of this Section.

Disinfection byproduct (DBP)	Best available technology (BAT)
TTHM	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
HAA5	Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant
Bromate	Control of ozone treatment process to reduce production of bromate
Chlorite	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.313 Maximum Residual Disinfectant Levels (MRDLs)

a) Maximum residual disinfectant levels (MRDLs) are as follows:

Disinfectant residual	MRDL (mg/L)
Chlorine	4.0 (as Cl[2])
Chloramines	4.0 (as Cl[2])
Chlorine dioxide	0.8 (as ClO[2])

b) Compliance dates.

1) CWSs and NTNCWSs. A Subpart B system serving 10,000 or more persons shall comply with this Section beginning January 1, 2002. A Subpart B system serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water shall comply with this Section beginning January 1, 2004.

2) Transient NCWSs. A Subpart B system serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B system serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL beginning January 1, 2004.

c) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

maximum residual disinfectant levels identified in subsection (a): control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.380 General Requirements

a) The requirements of this Subpart constitute NPDWRs.

1) The regulations in this Subpart establish standards under which community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs) that add a chemical disinfectant to the water in any part of the drinking water treatment process or which provide water that contains a chemical disinfectant must modify their practices to meet MCLs and MRDLs in Sections 611.312 and 611.313, respectively, and must meet the treatment technique requirements for DBP precursors in Section 611.385.

2) The regulations in this Subpart establish standards under which transient non-community water systems (transient non-CWSs) that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide in Section 611.313.

3) The Board has established MCLs for TTHM and HAA5 and treatment technique requirements for DBP precursors to limit the levels of known and unknown DBPs which may have adverse health effects. These DBPs may include chloroform, bromodichloromethane, dibromochloromethane, bromoform, dichloroacetic acid, and trichloroaecetic acid.

b) Compliance dates.

1) CWSs and NTNCWSs. Unless otherwise noted, systems must comply with the requirements of this Subpart as follows. A Subpart B system serving 10,000 or more persons shall comply with this Subpart beginning January 1, 2002. A Subpart B system serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water must comply with this Subpart beginning January 1, 2004.

2) Transient non-CWSs. A Subpart B system serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant shall comply with any requirements for chlorine dioxide in this Subpart beginning January 1, 2002. A Subpart B system serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only groundwater not under the direct influence of surface water and using chlorine

dioxide as a disinfectant or oxidant shall comply with any requirements for chlorine dioxide in this Subpart beginning January 1, 2004.

c) Each CWS and NTNCWS regulated under subsection (a) of this Section must be operated by qualified personnel who meet the requirements specified in 35 Ill. Adm. Code 680.

d) Control of disinfectant residuals. Notwithstanding the MRDLs in Section 611.313, systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.381 Analytical Requirements

a) Systems shall use only the analytical method(s) specified in this Section to demonstrate compliance with the requirements of this Subpart.

b) Disinfection byproducts (DBPs).

1) Systems shall measure disinfection byproducts (DBPs) by the methods (as modified by the footnotes) listed in the following table:

Approved Methods for Disinfection Byproduct (DBP) Compliance Monitoring

			Byproduct Measured			
Methodology(2)	EPA method	Standard method	TTHM	HAA5	Chlorite(4)	Bromate
P&T/GC/ElCD & PID	(3)502.2		X			
P&T/GC/MS	524.2		X			
LLE/GC/ECD	551.1		X			
LLE/GC/ECD		6251 B		X		
SPE/GC/ECD	552.1			X		
LLE/GC/ECD	552.2			X		
Amperometric Titration		4500-ClO[2] E			X	
IC	300.0				X	
IC	300.1				X	X

(1) X indicates method is approved for measuring specified disinfection byproduct.

(2) P&T = purge and trap; GC = gas chromatography; ElCD = electrolytic conductivity detector; PID = photoionization detector; MS = mass spectrometer; LLE = liquid/liquid extraction; ECD = electron capture detector; SPE = solid phase extractor; IC = ion chromatography.

(3) If TTHMs are the only analytes being measured in the sample, then a PID is not required.

(4) Amperometric titration may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in Section 611.382(b)(2)(A)(i). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in Sections 611.382(b)(2)(A)(ii) and (b)(2)(B).

BOARD NOTE: Derived from 40 CFR 141.131(b) (1998).

2) Analysis under this Section for DBPs shall be conducted by laboratories that have received certification by USEPA or the Agency except as specified under subsection (b)(3) of this Section. To receive certification to conduct analyses for the contaminants in Section 611.312, the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by USEPA or the Agency. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of 80% of the analytes included in each PE sample. The acceptance limit is defined as the 95% confidence interval calculated around the mean of the PE study data between a maximum and minimum acceptance limit of +50% and +15% of the study mean.

3) A party approved by USEPA or the Agency must measure daily chlorite samples at the entrance to the distribution system.

c) Disinfectant residuals.

1) Systems shall measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the methods (as modified by the footnotes) listed in the following table:

Approved Methods for Disinfectant Residual Compliance Monitoring

			Residual Measured(1)			
Methodology	Standard method	ASTM method	Free chlorine	Combined chlorine	Total chlorine	Chlorine dioxide
Amperometric Titration	4500-Cl D	D 1253-86	X	X	X	
Low Level Amperometric	4500-Cl E				X	

Titration					
DPD Ferrous Titrimetric	4500-Cl F	X	X	X	
DPD Colorimetric	4500-Cl G	X	X	X	
Syringaldazine (FACTS)	4500-Cl H	X			
Iodometric Electrode	4500-Cl I			X	
DPD	4500-ClO[2] D				X
Amperometric Method II	4500-ClO[2] E				X

(1) X indicates method is approved for measuring specified disinfectant residual.
BOARD NOTE: Derived from 40 CFR 141.131(c) (1998).

2) If approved by the Agency, systems may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

3) A party approved by USEPA or the Agency shall measure residual disinfectant concentration.

d) Systems required to analyze parameters not included in subsections (b) and (c) of this Section shall use the methods listed below. A party approved by USEPA or the Agency shall measure these parameters.

1) Alkalinity. All methods allowed in Section 611.611(a)(21) for measuring alkalinity;

2) Bromide. USEPA Method 300.0 or USEPA Method 300.1;

3) Total Organic Carbon (TOC). Standard Method 5310 B (High-Temperature Combustion Method), Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Standard Method 5310 D (Wet-Oxidation Method). TOC samples may not be filtered prior to analysis. TOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 24 hours. Acidified TOC samples must be analyzed within 28 days;

4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV[254]) (measured in m(-1)) divided by the dissolved organic carbon (DOC) concentration (measured as mg/L). In order to determine SUVA, it is necessary to separately measure UV[254] and DOC. When determining SUVA, systems must use the methods stipulated in subsection (d)(4)(A) of this Section to measure DOC and the method stipulated in subsection (d)(4)(B) of this Section to measure UV[254]. SUVA must be determined on water prior to the addition of disinfectants/oxidants by the system. DOC and UV[254] samples used to determine a SUVA value must be taken at the same time and at the same location.

A) Dissolved Organic Carbon (DOC). Standard Method 5310 B (High-Temperature Combustion Method), Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method), or Standard Method 5310 D (Wet-Oxidation Method). Prior to analysis, DOC samples must be filtered through a 0.45 micrometer pore-diameter filter. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following standards: DOC < 0.5 mg/L. DOC samples must be filtered through the 0.45 micrometer pore-diameter filter prior to acidification. DOC samples must either be analyzed or must be acidified to achieve pH less than 2.0 by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed 48 hours. Acidified DOC samples must be analyzed within 28 days; and

B) Ultraviolet Absorption at 254 nm (UV[254]). Method 5910 B (Ultraviolet Absorption Method). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV[254] samples must be filtered through a 0.45 micrometer pore-diameter filter. The pH of UV[254] samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours; and

5) pH. All methods allowed in Section 611.611(a)(17) for measuring pH.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.382 Monitoring Requirements

a) General requirements.

1) Systems shall take all samples during normal operating conditions.

2) Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required with Agency approval.

3) Failure to monitor in accordance with the monitoring plan required under subsection (f) of this Section is a monitoring violation.

4) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs, this failure to monitor will be treated as a violation for the entire period covered by the annual average.

5) Systems shall use only data collected under the provisions of this Subpart or under the Information Collection Rule (40 CFR 141 Subpart M) to qualify for reduced monitoring.

b) Monitoring requirements for disinfection byproducts (DBPs).

1) TTHMs and HAA5.

A) Routine monitoring. Systems shall monitor at the frequency indicated in the following table:

Routine Monitoring Frequency for TTHM and HAA5

Type of system	Minimum monitoring frequency	Sample location in the distribution system
Subpart B system serving 10,000 or more persons.	Four water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.(1)
Subpart B system serving from 500 to 9,999 persons.	One water sample per quarter per treatment plant.	Locations representing maximum residence time.(1)
Subpart B system serving fewer than 500 persons.	One sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time.(1) If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring standards in Section 611.382(b)(1)(D).
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons.	One water sample per quarter per treatment plant(2).	Locations representing maximum residence time.(1)
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One sample per year per treatment plant(2) during month of warmest water temperature.	Locations representing maximum residence time.(1) If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets standards in Section 611.382(b)(1)(D) for reduced monitoring.

(1) If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

(2) Multiple wells drawing water from a single aquifer may be considered one treatment plant for determining the minimum number of samples required with Agency approval.

BOARD NOTE: Derived from 40 CFR 141.132(b) (1998).

B) Systems may reduce monitoring, except as otherwise provided,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in accordance with the following table:

Reduced Monitoring Frequency for TTHM and HAA5

If you are a...	You may reduce monitory if you have monitored at least one year and your...	To this level
Subpart B system serving 10,000 or more persons which has a source water annual average TOC level, before any treatment, <4.0 mg/L.	TTHM annual average <0.040 mg/L and HAA5 annual average <0.030 mg/L.	One sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Subpart B system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, <4.0 mg/L.	TTHM annual average <0.040 mg/L and HAA5 annual average <0.030 mg/L.	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any Subpart B system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving 10,000 or more persons.	TTHM annual average <0.040 mg/L and HAA5 annual average <0.030 mg/L.	One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average <0.040 mg/L and HAA5 annual average <0.030 mg/L for two consecutive years OR TTHM annual average <0.020 mg/L and HAA5 annual average	One sample per treatment plant per three year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 132(c) (1998).

C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels shall resume monitoring at the frequency identified in subsection (b)(1)(A) of this Section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. For systems using only groundwater not under the direct influence of surface water and serving fewer than 10,000 persons, if either the TTHM annual average is >0.080 mg/L or the HAA5 annual average is >0.060 mg/L, the system must go to increased monitoring identified in subsection (b)(1)(A) of this Section.

D) Systems on increased monitoring may return to routine monitoring if the TTHM annual average is >0.040 mg/L and the HAA5 annual average is >0.030 mg/L.

E) The Agency may return a system to routine monitoring.

2) Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, shall conduct monitoring for chlorite.

A) Routine monitoring.

i) Daily monitoring. Systems shall take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system shall take additional samples in the distribution system the following day at the locations required by subsection (b)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.

ii) Monthly monitoring. Systems shall take a three-sample set each month in the distribution system. The system must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The system may use

the results of additional monitoring conducted under subsection (b)(2)(B) of this Section to meet the requirement for monitoring in this subsection (b)(2)(A)(ii).

B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system shall take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C) Reduced monitoring.

i) Chlorite monitoring at the entrance to the distribution system required by subsection (b)(2)(A)(i) of this Section may not be reduced.

ii) Chlorite monitoring in the distribution system required by subsection (b)(2)(A)(ii) of this Section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subsection (b)(2)(A)(ii) of this Section has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subsection (b)(2)(B) of this Section. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subsection (b)(2)(A)(ii) of this Section exceeds the chlorite MCL or the system is required to conduct monitoring under subsection (b)(2)(B) of this Section, at which time the system shall revert to routine monitoring.

3) Bromate.

A) Routine monitoring. Community and nontransient noncommunity systems using ozone, for disinfection or oxidation, shall take one sample per month for each treatment plant in the system using ozone. Systems shall take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B) Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater

than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than 0.05 mg/L, the system shall resume routine monitoring required by subsection (b)(3)(A) of this Section.

c) Monitoring requirements for disinfectant residuals.

1) Chlorine and chloramines.

A) Routine monitoring. Community and nontransient noncommunity water systems that use chlorine or chloramines shall measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521. A Subpart B system may use the results of residual disinfectant concentration sampling conducted under Section 611.532 for unfiltered systems or Section 611.533 for systems that filter, in lieu of taking separate samples.

B) Reduced monitoring. Monitoring may not be reduced.

2) Chlorine dioxide.

A) Routine monitoring. Community, nontransient noncommunity, and transient noncommunity water systems that use chlorine dioxide for disinfection or oxidation shall take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the system shall take samples in the distribution system the following day at the locations required by subsection (c)(2)(B) of this Section, in addition to the sample required at the entrance to the distribution system.

B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the system shall take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the system shall take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the system shall take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C) Reduced monitoring. Monitoring may not be reduced.

d) Monitoring requirements for disinfection byproduct (DBP) precursors.
   1) Routine monitoring. A Subpart B system that uses conventional filtration treatment (as defined in Section 611.101) shall monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All systems required to monitor under this subsection (d)(1) shall also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all systems shall monitor for alkalinity in the source water prior to any treatment. Systems shall take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
   2) Reduced monitoring. A Subpart B system with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The system shall revert to routine monitoring in the month following the quarter when the annual average treated water TOC $\geq$ 2.0 mg/L.

e) Bromide. Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The system shall continue bromide monitoring to remain on reduced bromate monitoring.

f) Monitoring plans. Each system required to monitor under this Subpart shall develop and implement a monitoring plan. The system shall maintain the plan and make it available for inspection by the Agency and the general public no later than 30 days following the applicable compliance dates in Section 611.380(b). A Subpart B system serving more than 3,300 persons shall submit a copy of the monitoring plan to the Agency no later than the date of the first report required under Section 611.384. After review, the Agency may require changes in any plan elements. The plan must include at least the following elements:
   1) Specific locations and schedules for collecting samples for any parameters included in this Subpart;
   2) How the system will calculate compliance with MCLs, MRDLs, and treatment techniques; and
   3) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of Section 611.500, the sampling plan must reflect the entire distribution system.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.383 Compliance Requirements

a) General requirements.
   1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with the MRDL for chlorine or chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.
   2) All samples taken and analyzed under the provisions of this Subpart must be included in determining compliance, even if that number is greater than the minimum required.
   3) If, during the first year of monitoring under Section 611.382, any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

b) Disinfection byproducts (DBPs).
   1) TTHMs and HAA5.
      A) For systems monitoring quarterly, compliance with MCLs in Section 611.312 must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by Section 611.382(b)(1).
      B) For systems monitoring less frequently than quarterly, systems demonstrate MCL compliance if the average of samples taken that year under the provisions of Section 611.382(b)(1) does not exceed the MCLs in Section 611.312. If the average of these samples exceed the MCL, the system shall increase monitoring to once per quarter per treatment plant and is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to increase to quarterly monitoring must calculate compliance by including the sample which triggered the increased monitoring plus the following three quarters of monitoring.
      C) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to Section 611.851 in addition to reporting to the Agency pursuant to Section 611.384.

D) If a PWS fails to complete four consecutive quarter's monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

2) Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by Section 611.382(b)(3). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to Section 611.851, in addition to reporting to the Agency pursuant to Section 611.384. If a PWS fails to complete twelve consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

3) Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by Section 611.382(b)(2)(A)(ii) and Section 611.382(b)(2)(B). If the arithmetic average of any three sample set exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to Section 611.851, in addition to reporting to the Agency pursuant to Section 611.384.

c) Disinfectant residuals.

1) Chlorine and chloramines.

A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under Section 611.382(c)(1). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the system is in violation of the MRDL and shall notify the public pursuant to Section 611.851, in addition to reporting to the Agency pursuant to Section 611.384.

B) In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section 611.384 must clearly indicate which residual disinfectant was analyzed for each sample.

2) Chlorine dioxide.

A) Acute violations. Compliance must be based on consecutive daily samples collected by the system under Section 611.382(c)(2). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceeds the MRDL, the system is in violation of the MRDL and shall take immediate corrective

action to lower the level of chlorine dioxide below the MRDL and shall notify the public pursuant to the procedures for acute health risks in Section 611.851(a)(3) in addition to reporting to the Agency pursuant to Section 611.384. Failure to take samples in the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system shall notify the public of the violation in accordance with the provisions for acute violations under Section 611.851(a)(3) in addition to reporting to the Agency pursuant to Section 611.384.

B) Nonacute violations. Compliance must be based on consecutive daily samples collected by the system under Section 611.382(c)(2). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and shall notify the public pursuant to the procedures for nonacute health risks in Section 611.852 in addition to reporting to the Agency pursuant to Section 611.384. Failure to monitor at the entrance to the distribution system the day following an exceedence of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system shall notify the public of the violation in accordance with the provisions for nonacute violations under Section 611.852 in addition to reporting to the Agency pursuant to Section 611.384.

d) Disinfection byproduct (DBP) precursors. Compliance must be determined as specified by Section 611.385(c). Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve months after the compliance date that it is not able to meet the Step 1 requirements in Section 611.141(b)(2) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section 611.385(b)(3) and is in violation of an NPDWR. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under Section 611.385(c)(1)(D) is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to Section 611.851, in addition to reporting to the Agency pursuant to Section 611.384.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 23 Ill. Reg. 10485, effective AUG 11 1999)

Section 611.384 Reporting and Recordkeeping Requirements

a) Systems required to sample quarterly or more frequently shall report to the Agency within ten days after the end of each quarter in which samples were collected, notwithstanding the provisions of Section 611.840. Systems required to sample less frequently than quarterly shall report to the Agency within ten days after the end of each monitoring period in which samples were collected.

b) Disinfection byproducts (DBPs). Systems shall report the information specified in the following table:

If you are a...	You must report...(1)
System monitoring for TTHMs and HAA5 under the requirements of Section 611.382(b) on a quarterly or more frequent basis.	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of all samples taken in the last quarter. (4) The annual arithmetic average of the quarterly arithmetic averages of this Section for the last four quarters. (5) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of Section 611.382(b) less frequently than quarterly (but at least annually).	(1) The number of samples taken during the last year. (2) The location, date, and result of each sample taken during the last monitoring period. (3) The arithmetic average of all samples taken over the last year. (4) Whether the MCL was exceeded.
System monitoring for TTHMs and HAA5 under the requirements of Section 611.382(b) less frequently than annually.	(1) The location, date, and result of the last sample taken. (2) Whether the MCL was exceeded.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	exceeded.
System monitoring for chlorite under the requirements of Section 611.382(b).	(1) The number of samples taken each month for the last three months. (2) The location, date, and result of each sample taken during the last quarter. (3) For each month in the reporting period, the arithmetic average of all samples taken in the month. (4) Whether the MCL was exceeded, and in which month it was exceeded.
System monitoring for bromate under the requirements of Section 611.382(b).	(1) The number of samples taken during the last quarter. (2) The location, date, and result of each sample taken during the last quarter. (3) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year. (4) Whether the MCL was exceeded.

(1) The Agency may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

BOARD NOTE: Derived from 40 CFR 141.134(b) (1998).

c) Disinfectants. Systems shall report the information specified in the following table:

If you are a...	You must report...(1)
System monitoring for chlorine or chloramines under the requirements of Section 611.382(c).	(1) The number of samples taken during each month of the last quarter. (2) The monthly arithmetic average of all samples taken in each month for the last twelve months. (3) The arithmetic average of all monthly averages for the last twelve months.

	(4) Whether the MRDL was exceeded.
System monitoring for chlorine dioxide under the requirements of Section 611.382(c).	(1) The dates, results, and locations of samples taken during the last quarter. (2) Whether the MRDL was exceeded. (3) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

(1) The Agency may choose to perform calculations and determine whether the MRDL was exceeded, in lieu of having the system report that information.

BOARD NOTE: Derived from 40 CFR 141.134(c) (1998).

d) Disinfection byproduct (DBP) precursors and enhanced coagulation or enhanced softening. Systems shall report the information specified in the following table:

If you are a...	You must report...(1)
System monitoring monthly or quarterly for TOC under the requirements of Section 611.382(d) and required to meet the enhanced coagulation or enhanced softening requirements in Section 611.385(b)(2) or (3).	(1) The number of paired (source water and treated water, prior to continuous disinfection) samples taken during the last quarter. (2) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (3) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal. (4) Calculations for determining compliance with the TOC percent removal requirements, as provided in Section 611.385(c)(1). (5) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in Section 611.385(b) for the last four quarters.
System monitoring monthly or quarterly for TOC under the requirements of Section 611.382(d) and meeting one or more of the alternative compliance standards in Section 611.385(a)(2) or (3).	(1) The alternative compliance criterion that the system is using. (2) The number of paired samples taken during the last quarter. (3) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (4) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in Section 611.385(a)(2)(A) or (C) or of treated water TOC for systems meeting the criterion in Section 611.385(a)(2)(B). (5) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in Section 611.385(a)(2)(E) or of treated water SUVA for systems meeting the criterion in Section 611.385(a)(2)(F). (6) The running annual average of source water alkalinity for systems meeting the criterion in Section 611.385(a)(2)(C) and of treated water alkalinity for systems meeting the criterion in Section 611.385(a)(3)(A). (7) The running annual average for both TTHM and HAA5 for systems meeting the criterion

in Section 611.385(a)(2)(C) or (D).
(8) The running annual average of the amount of magnesium hardness removal (as CaCO[3] in mg/L) for systems meeting the criterion in Section 611.385(a)(3)(B).
(9) Whether the system is in compliance with the particular alternative compliance criterion in Section 611.385(a)(2) or (3).

(l) The Agency may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the system report that information.

BOARD NOTE: Derived from 40 CFR 141.134(d) (1998).

(Source: Added at 23 Ill. Reg. 10345 effective AUG 11 1999)

Section 611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

a) Applicability.
1) A Subpart B system using conventional filtration treatment (as defined in Section 611.101) shall operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subsection (b) of this Section unless the system meets at least one of the alternative compliance standards listed in subsection (a)(2) or (a)(3) of this Section.
2) Alternative compliance standards for enhanced coagulation and enhanced softening systems. A Subpart B system using conventional filtration treatment may use the alternative compliance standards in subsections (a)(2)(A) through (F) of this Section to comply with this Section in lieu of complying with subsection (b). Systems shall comply with monitoring requirements in Section 611.382(d) of this Part.
A) The system's source water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.
B) The system's treated water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.
C) The system's source water TOC level, measured as required by Section 611.381(d)(3), is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water

alkalinity, measured according to Section 611.381(d)(1), is greater than 60 mg/L (as CaCO[3]), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in Section 611.380(b), the system has made a clear and irrevocable financial commitment, not later than the effective date for compliance in Section 611.380(b), to use technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems shall submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Agency for approval not later than the effective date for compliance in Section 611.380(b). These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of a NPDWR.
D) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.
E) The system's source water SUVA, prior to any treatment and measured monthly according to Section 611.381(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.
F) The system's finished water SUVA, measured monthly according to Section 611.381(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.
3) Additional alternative compliance standards for softening systems. Systems practicing enhanced softening that cannot achieve the TOC removals required by subsection (b)(2) of this Section may use the alternative compliance standards in subsections (a)(3)(A) and (B) of this Section in lieu of complying with subsection (b) of this Section. Systems shall comply with monitoring requirements in Section 611.382(d).
A) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO[3]), measured monthly according to Section 611.381(d)(1) and calculated quarterly as a running annual average.
B) Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO[3]), measured monthly and calculated quarterly as an annual running average.

b) Enhanced coagulation and enhanced softening performance requirements.
1) Systems shall achieve the percent reduction of TOC specified in subsection (b)(2) of this Section between the source water and

the combined filter effluent, unless the Agency approves a system's request for alternate minimum TOC removal (Step 2) requirements under subsection (b)(3) of this Section.

2) Required TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with Section 611.381(d). Systems practicing softening shall meet the Step 1 TOC reductions in the far-right column (source water alkalinity >120 mg/L) for the specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for a Subpart B System Using Conventional Treatment(1,2)

Source water TOC, mg/L	Source water alkalinity, mg/L as CaCO[3]		
	0-60 (percent)	>60-120 (percent)	>120(3) (percent)
>2.0-4.0	35.0	25.0	15.0
>4.0-8.0	45.0	35.0	25.0
>8.0	50.0	40.0	30.0

(1) Systems meeting at least one of the conditions in subsections (a)(2)(A) through (F) of this Section are not required to operate with enhanced coagulation.

(2) Softening systems meeting one of the alternative compliance standards in subsection (a)(3) of this Section are not required to operate with enhanced softening.

(3) Systems practicing softening shall meet the TOC removal requirements in this column.

3) A Subpart B conventional treatment system that cannot achieve the Step 1 TOC removals required by subsection (b)(2) of this Section due to water quality parameters or operational constraints must apply to the Agency, within three months after failure to achieve the TOC removals required by subsection (b)(2) of this Section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the PWS cannot achieve the Step 1 TOC removal requirement due to water quality parameters or operational constraints, the Agency shall approve the use of the Step 2 TOC removal requirement. If the Agency approves the alternative minimum TOC removal (Step 2) requirements, the Agency may make those requirements retroactive for the purposes of determining compliance. Until the Agency approves the alternate minimum TOC removal (Step 2) requirements, the system shall meet the Step 1 TOC removals contained in subsection (b)(2) of this Section.

4) Alternate minimum TOC removal (Step 2) requirements. Applications made to the Agency by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subsection (b)(3) of this Section must include, at a minimum, results of bench- or pilot-scale testing conducted under subsection (b)(4)(A) of this Section and used to determine the alternate enhanced coagulation level.

A) For the purposes of this Subpart, "Alternate enhanced coagulation level" is defined as coagulation at a coagulant dose and pH as determined by the method described in subsections (b)(4)(A) through (E) of this Section such that an incremental addition of 10 mg/L of alum (as aluminum) (or equivalent amount of ferric salt) results in a TOC removal of <0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the Agency, this minimum requirement supersedes the minimum TOC removal required by the table in subsection (b)(2) of this Section. This requirement will be effective until such time as the Agency approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve alternative minimum TOC removal levels is a violation of National Primary Drinking Water Regulations.

B) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (as aluminum) (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

Enhanced Coagulation Step 2 Target pH

Alkalinity (mg/L as CaCO[3])	Target pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

C) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system shall add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (as aluminum) (or equivalent addition of iron coagulant) is reached.

D) The system may operate at any coagulant dose or pH necessary

(consistent with other NPDWRs) to achieve the minimum TOC percent removal approved under subsection (b)(3) of this Section.

E) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose (as aluminum) at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the Agency for a waiver of enhanced coagulation requirements. If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose (as aluminum) at all dosages of alum (or equivalent addition of iron coagulant), the Agency shall grant the waiver of enhanced coagulation requirements.

c) Compliance calculations.

1) A Subpart B system other than those identified in subsection (a)(2) or (a)(3) of this Section shall comply with requirements contained in subsection (b)(2) of this Section. Systems shall calculate compliance quarterly, beginning after the system has collected 12 months of data, by determining an annual average using the following method:

A) Determine actual monthly TOC percent removal, equal to:

$$\left(1 - \frac{(\text{treatedwaterTOC})}{(\text{sourcewaterTOC})}\right) \times 100$$

B) Determine the required monthly TOC percent removal.

C) Divide the value in subsection (c)(1)(A) of this Section by the value in subsection (c)(1)(B) of this Section.

D) Add together the results of subsection (c)(1)(C) of this Section for the last twelve months and divide by twelve.

E) If the value calculated in subsection (c)(1)(D) of this Section is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

2) Systems may use the provisions in subsections (c)(2)(A) through (E) of this Section in lieu of the calculations in subsection (c)(1)(A) through (E) of this Section to determine compliance with TOC percent removal requirements.

A) In any month that the system's treated or source water TOC level, measured according to Section 611.381(d)(3), is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

B) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO[3]), the system

may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

C) In any month that the system's source water SUVA, prior to any treatment and measured according to Section 611.381(d)(4), is <2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

D) In any month that the system's finished water SUVA, measured according to Section 611.381(d)(4), is <2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

E) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO[3]), the system may assign a monthly value of 1.0 (in lieu of the value calculated in subsection (c)(1)(C) of this Section) when calculating compliance under the provisions of subsection (c)(1) of this Section.

3) A Subpart B system using conventional treatment may also comply with the requirements of this Section by meeting the standards in subsection (a)(2) or (3) of this Section.

d) Treatment technique requirements for disinfection byproduct (DBP) precursors. Treatment techniques to control the level of disinfection byproduct (DBP) precursors in drinking water treatment and distribution systems, for a Subpart B system using conventional treatment, are enhanced coagulation or enhanced softening.

(Source: Added at 23 Ill. Reg. 10340, effective AUG 11 1999)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.684 Averaging

Compliance with Section 611.310(c) or 611.312(a) is determined based on a running annual average of quarterly samples collected by the PWS ~~supplier~~ as prescribed in Section 611.680(b)(1) or (2). If the average of samples covering any 12 month period exceeds the MCL, the PWS ~~supplier~~ shall report to the Agency and notify the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.30(d) (1994).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart must be conducted by one of the total trihalomethanes (TTHM) methods as directed in Section 611.645 and in USEPA Technical Notes, "Technical Notes on Drinking Water Methods", incorporated by reference in Section 611.102 or Section 611.381(b). Samples for TTHM must be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in the methods, except acidification is not required if only THMs or TTHMs are to be determined. Samples for maximum TTHM potential must not be dechlorinated or acidified, and should be held for seven days at 25° C (or above) prior to analysis.
BOARD NOTE: Derived from 40 CFR 141.30(e) (1995).

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.688 Applicability Dates

The requirements in Sections 611.680 through 611.686 apply to a Subpart B community water system that serves 10,000 or more persons until December 31, 2001. The requirements in Sections 611.680 through 611.686 apply to a community water system that uses only groundwater not under the direct influence of surface water which adds a disinfectant (oxidant) in any part of the treatment process and serves 10,000 or more persons until December 31, 2003. After December 31, 2003, Sections 611.680 through 611.688 are no longer applicable.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Sections 611.330 and 611.331, except in cases where alternative methods have been approved in accordance with Section 611.480.
   1) Gross Alpha and Beta:
      A) ASTM Method 302;
      B) Standard Method:
         i) Method 302; or
         ii) Method 7110 B;
      C) USEPA Interim Radiochemical Methods: page 1;
      D) USEPA Radioactivity Methods: Method 900;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

      E) USEPA Radiochemical Analyses: page 1;
      F) USEPA Radiochemistry Methods: Method 00-01; or
      G) USGS Methods: Method R-1120-76.
   2) Gross Alpha:
      A) Standard Methods: Method 7110 C; or
      B) USEPA Radiochemistry Methods: Method 00-02.
   3) Radium 226:
      A) ASTM Methods:
         i) Method D 2460-90; or
         ii) Method D 3454-91;
      B) New York Radium Method;
      C) Standard Methods:
         i) Method 304;
         ii) Method 305;
         iii) Method 7500-Ra B; or
         iv) Method 7500-Ra C;
      D) USDOE Methods: Method Ra-05;
      E) USEPA Interim Radiochemical Methods: pages 13 and 16;
      F) USEPA Radioactivity Methods: Method 903, 903.1;
      G) USEPA Radiochemical Analyses: page 19;
      H) USEPA Radiochemistry Methods: Method Ra-03, Ra-04; or
      I) USGS Methods:
         i) Method R-1140-76; or
         ii) Method R-1141-76.
   4) Radium 228:
      A) Standards Methods:
         i) Method 304; or
         ii) Method 7500-Ra D;
      B) New York Radium Method;
      C) USEPA Interim Radiochemical Methods: page 24;
      D) USEPA Radioactivity Methods: Method 904;
      E) USEPA Radiochemical Analyses: page 19;
      F) USEPA Radiochemistry Methods: Method Ra-05;
      G) USGS Methods: Method R-1142-76; or
      H) New Jersey Radium Method.
   5) Uranium:
      A) ASTM Methods:
         i) Method D-2907;
         ii) Method D-2907-91;
         iii) Method D 3972-90; or
         iv) Method D 5174-91;
      B) USEPA Radioactivity Methods: Method 908, 908.1;
      C) USEPA Radiochemical Analyses: page 33;
      D) USEPA Radiochemistry Methods: Method 00-07; or
      E) USGS Methods:
         i) Method R-1180-76;
         ii) Method R-1181-76; or
         iii) Method R-1182-76.

6) Cesium:
   A) ASTM Methods:
      i) Method D 2459-72; or
      ii) Method D 3649-91;
   B) Standard Methods:
      i) Method 7120 (19th ed.); or
      ii) Method 7500-Cs B;
   C) USDOE Methods: Method 4.5.2.3;
   D) USEPA Interim Radiochemical Methods: page 4;
   E) USEPA Radioactivity Methods: Methods 901, 901.1;
   F) USEPA Radiochemical Analyses: page 92; or
   G) USGS Methods:
      i) Method R-1110-76; or
      ii) Method R-1111-76.
7) Iodine:
   A) ASTM Methods:
      i) D 3649-91; or
      ii) D 4785-88;
   B) Standard Methods:
      i) Method 7120 (19th ed.);
      ii) Method 7500-I B;
      iii) Method 7500-I C; or
      iv) Method 7500-I D;
   C) USDOE Methods: Method 4.5.2.3;
   D) USEPA Interim Radiochemical Methods: pages 6, 9;
   E) USEPA Radiochemical Analyses: page 92; or
   F) USEPA Radioactivity Methods: Methods 901.1, 902.
8) Strontium-89 & 90:
   A) Standard Methods:
      i) Method 303; or
      ii) Method 7500-Sr B;
   B) USDOE Methods:
      i) Method Sr-01; or
      ii) Method Sr-02;
   C) USEPA Interim Radiochemical Methods: page 29;
   D) USEPA Radioactivity Methods: Method 905;
   E) USEPA Radiochemical Analyses: page 65;
   F) USEPA Radiochemistry Methods: Method Sr-04; or
   G) USGS Methods: Method R-1160-76.
9) Tritium:
   A) ASTM Methods: Method D 4107-91;
   B) Standard Methods:
      i) Method 306; or
      ii) Method 7500-3H B;
   C) USEPA Interim Radiochemical Methods: page 34;
   D) USEPA Radioactivity Methods: Method 906;
   E) USEPA Radiochemical Analyses: page 87;
   F) USEPA Radiochemistry Methods: Method H-02; or

   G) USGS Methods: Method R-1171-76.
10) Gamma Emitters:
   A) ASTM Methods:
      i) Method D 3649-91; or
      ii) Method D 4785-88;
   B) Standard Methods:
      i) Method 7120 (19th ed.);
      ii) Method 7500-Cs B; or
      iii) Method 7500-I B;
   C) USDOE Method: Method 4.5.2.3;
   D) USEPA Radioactivity Methods: Methods 901, 901.1, 902;
   E) USEPA Radiochemical Analyses: page 92; or
   F) USGS Methods: Method R-1110-76.

b) When the identification and measurement of radionuclides other than those listed in subsection (a) are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:
   1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.
   2) HASL Procedure Manual, HASL 300.

c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample).
   1) To determine compliance with Section 611.330(a) the detection limit must not exceed 1 pCi/L. To determine compliance with Section 611.330(b) the detection limit must not exceed 3 pCi/L.
   2) To determine compliance with Section 611.331 the detection limits must not exceed the concentrations listed in that Section.
   3) The detection limits for man-made beta particle and photon emitters to determine the applicability of Section 611.881 are listed in the following table:

Radionuclide	Detection Limit
Tritium	1,000 pCi/L
Strontium-89	10 pCi/L
Strontium-90	2 pCi/L
Iodine-131	1 pCi/L
Cesium-134	10 pCi/L
Gross beta	4 pCi/L
Other radionuclides	1/10 of applicable limit

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (1998).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

d) To judge compliance with the MCLs listed in Sections 611.330 and 611.331, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.
BOARD NOTE: Derived from 40 CFR 141.25 (1998~~1995~~).

(Source: Amended at 23 Ill. Reg. 10348, effective AUG 11 1999)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section 611.740 General Requirements

a) The requirements of this Subpart R are National Primary Drinking Water Regulations. These regulations establish requirements for filtration and disinfection that are in addition to standards under which filtration and disinfection are required under Subpart B of this Part. The requirements of this Subpart are applicable to a Subpart B system serving 10,000 or more persons, beginning January 1, 2002, unless otherwise specified in this Subpart. The regulations in this Subpart establish or extend treatment technique requirements in lieu of maximum contaminant levels (MCLs) for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. Each Subpart B system serving 10,000 or more persons shall provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in Section 611.220. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve:
   1) At least 99 percent (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and
   2) Compliance with the profiling and benchmark requirements under the provisions of Section 611.742.

b) A public water system subject to the requirements of this Subpart is considered to be in compliance with the requirements of subsection (a) of this Section if:
   1) It meets the requirements for avoiding filtration in Sections 611.232 and 611.741, and the disinfection requirements in Sections 611.240 and 611.742; or
   2) It meets the applicable filtration requirements in either Section 611.250 or Section 611.743, and the disinfection requirements in Sections 611.240 and 611.742.

c) Systems shall not begin construction of uncovered finished water storage facilities after February 16, 1999.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.741 Standards for Avoiding Filtration

In addition to the requirements of Section 611.232, a public water system subject to the requirements of this Subpart that does not provide filtration shall meet all of the conditions of subsections (a) and (b) of this Section.

a) Site-specific conditions. In addition to site-specific conditions in Section 611.232, systems shall maintain the watershed control program under Section 611.232(b) to minimize the potential for contamination by Cryptosporidium oocysts in the source water. The watershed control program must, for Cryptosporidium:
   1) Identify watershed characteristics and activities which may have an adverse effect on source water quality; and
   2) Monitor the occurrence of activities which may have an adverse effect on source water quality.

b) During the onsite inspection conducted under the provisions of Section 611.232(c), the Agency shall determine whether the watershed control program established under Section 611.232(b) is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the system's program to monitor and control detrimental activities occurring in the watershed; and the extent to which the water system has maximized land ownership or controlled land use within the watershed.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.742 Disinfection Profiling and Benchmarking

a) Determination of systems required to profile. A public water system subject to the requirements of this Subpart shall determine its TTHM annual average using the procedure in subsection (a)(1) of this Section and its HAA5 annual average using the procedure in subsection (a)(2) of this Section. The annual average is the arithmetic average of the quarterly averages of four consecutive quarters of monitoring.
   1) The TTHM annual average that is used must be the annual average during the same period as the HAA5 annual average.
      A) Those systems that collected data under the provisions of 40 CFR 141 Subpart M (Information Collection Rule) shall use the results of the samples collected during the last four quarters of required monitoring under Section 611.382.
      B) Those systems that use "grandfathered" HAA5 occurrence data that meet the provisions of subsection (a)(2)(B) of this Section shall use TTHM data collected at the same time under the provisions of Section 611.680.

C) Those systems that use HAA5 occurrence data that meet the provisions of subsection (a)(2)(C)(i) of this Section shall use TTHM data collected at the same time under the provisions of Sections 611.310 and 611.680.

2) The HAA5 annual average that is used must be the annual average during the same period as the TTHM annual average.

A) Those systems that collected data under the provisions of 40 CFR 141 Subpart M (Information Collection Rule) shall use the results of the samples collected during the last four quarters of required monitoring under Section 611.382.

B) Those systems that have collected four quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in Section 611.680 and handling and analytical method requirements of Section 611.685 may use that data to determine whether the requirements of this Section apply.

C) Those systems that have not collected four quarters of HAA5 occurrence data that meets the provisions of either subsection (a)(2)(A) or (B) of this Section by March 31, 1999 shall either:

i) Conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in Section 611.680 and handling and analytical method requirements of Section 611.685 to determine the HAA5 annual average and whether the requirements of subsection (b) of this Section apply. This monitoring must be completed so that the applicability determination can be made no later than March 31, 2000; or

ii) Comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with subsection (b) of this Section.

3) The system may request that the Agency approve a more representative annual data set than the data set determined under subsection (a)(1) or (2) of this Section for the purpose of determining applicability of the requirements of this Section.

4) The Agency may require that a system use a more representative annual data set than the data set determined under subsection (a)(1) or (2) of this Section for the purpose of determining the applicability of the requirements of this Section.

5) The system shall submit data to the Agency on the schedule in subsections (a)(5)(A) through (D) of this Section.

A) Those systems that collected TTHM and HAA5 date under the provisions of 40 CFR Subpart M (Information Collection Rule), as required by subsection (a)(1)(A) and (a)(2)(A) of this Section, shall submit the results of the samples collected during the last twelve months of required monitoring under Section 611.685 not later than December 31, 1999.

B) Those systems that have collected four consecutive quarters of HAA5 occurrence data that meets the routine monitoring sample number and location for TTHM in Section 611.382 and handling and analytical method requirements of Section 611.685, as allowed by subsections (a)(1)(B) and (a)(2)(B) of this Section, shall submit that data to the Agency not later than April 30, 1999. Until the Agency has approved the data, the system shall conduct monitoring for HAA5 using the monitoring requirements specified under subsection (a)(2)(C) of this Section.

C) Those systems that conduct monitoring for HAA5 using the monitoring requirements specified by subsections (a)(1)(C) and (a)(2)(C)(i) of this Section, shall submit TTHM and HAA5 data not later than March 31, 2000.

D) Those systems that elect to comply with all other provisions of this Section as if the HAA5 monitoring had been conducted and the results required compliance with this Section, as allowed under subsection (a)(2)(C)(ii) of this Section, shall notify the Agency in writing of their election not later than December 31, 1999.

E) If the system elects to request that the Agency approve a more representative data set than the data set determined under subsection (a)(2)(A) of this Section, the system shall submit this request in writing not later than December 31, 1999.

6) Any system having either a TTHM annual average >0.064 mg/L or an HAA5 annual average >0.048 mg/L during the period identified in subsections (a)(1) and (2) of this Section shall comply with subsection (b) of this Section.

b) Disinfection profiling.

1) Any system that meets the standards in subsection (a)(6) of this Section shall develop a disinfection profile of its disinfection practice for a period of up to three years. The Agency shall determine the period of the disinfection profile, with a minimum period of 1 year.

2) The system shall monitor daily for a period of twelve consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT(99.9) values in Appendix B of this Part, as appropriate, through the entire treatment plant. The system shall begin this monitoring not later than April 1, 2000. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system shall conduct the monitoring in subsections (b)(2)(A) through (D) of this Section. A system with more than one point of disinfectant application shall conduct the monitoring in subsections (b)(2)(A) through (D) of this Section for each

disinfection segment. The system shall monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in Section 611.531, as follows:

A) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow.

B) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

C) The disinfectant contact time(s) ("T") must be determined for each day during peak hourly flow.

D) The residual disinfectant concentration(s) ("C") of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

3) In lieu of the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the system may elect to meet the requirements of subsection (b)(3)(A) of this Section. In addition to the monitoring conducted under the provisions of subsection (b)(2) of this Section to develop the disinfection profile, the system may elect to meet the requirements of subsection (b)(3)(B) of this Section.

A) A PWS that has three years of existing operational data may submit that data, a profile generated using that data, and a request that the Agency approve use of that data in lieu of monitoring under the provisions of subsection (b)(2) of this Section not later than April 1, 2000. The Agency shall determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must also be representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines that the operational data is substantially equivalent, the Agency shall approve the request. Until the Agency approves this request, the system is required to conduct monitoring under the provisions of subsection (b)(2) of this Section.

B) In addition to the disinfection profile generated under subsection (b)(2) of this Section, a PWS that has existing operational data may use that data to develop a disinfection profile for additional years. The Agency shall determine whether the operational data is substantially equivalent to data collected under the provisions of subsection (b)(2) of this Section. The data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments. If the Agency determines

that the operational data is substantially equivalent, such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of subsection (c) of this Section.

4) The system shall calculate the total inactivation ratio as follows:

A) If the system uses only one point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment based on either of the methods in subsection (b)(4)(A)(i) or (b)(4)(A)(ii) of this Section.

i) Determine one inactivation ratio (CTcalc/CT[99.9]) before or at the first customer during peak hourly flow.

ii) Determine successive CTcalc/CT[99.9] values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system shall calculate the total inactivation ratio by determining (CTcalc/CT[99.9]) for each sequence and then adding the (CTcalc/CT[99.9]) values together to determine (Sum (CTcalc/CT[99.9])).

B) If the system uses more than one point of disinfectant application before the first customer, the system shall determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The (CTcalc/CT[99.9]) value of each segment and (CTcalc/CT[99.9]) must be calculated using the method in subsection (b)(4)(A) of this Section.

C) The system shall determine the total logs of inactivation by multiplying the value calculated in subsection (b)(4)(A) or (B) of this Section by 3.0.

5) A system that uses either chloramines or ozone for primary disinfection shall also calculate the logs of inactivation for viruses using a method approved by the Agency.

6) The system shall retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the Agency for review as part of sanitary surveys conducted by the Agency.

c) Disinfection benchmarking.

1) Any system required to develop a disinfection profile under the provisions of subsections (a) and (b) of this Section and that decides to make a significant change to its disinfection practice shall consult with the Agency prior to making such change. Significant changes to disinfection practice are:

A) Changes to the point of disinfection;
B) Changes to the disinfectant(s) used in the treatment plant;
C) Changes to the disinfection process; and
D) Any other modification identified by the Agency.

2) Any system that is modifying its disinfection practice shall calculate its disinfection benchmark using the procedure specified in subsections (c)(2)(A) and (B) of this Section.
A) For each year of profiling data collected and calculated under subsection (b) of this Section, the system shall determine the lowest average monthly Giardia lamblia inactivation in each year of profiling data. The system shall determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia of inactivation by the number of values calculated for that month.
B) The disinfection benchmark is the lowest monthly average value (for systems with one year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of Giardia lamblia inactivation in each year of profiling data.

3) A system that uses either chloramines or ozone for primary disinfection shall also calculate the disinfection benchmark for viruses using a method approved by the Agency.

4) The system shall submit information in subsections (c)(4)(A) through (C) of this Section to the Agency as part of its consultation process.
A) A description of the proposed change;
B) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under subsection (b) of this Section and benchmark as required by subsection (c)(2) of this Section; and
C) An analysis of how the proposed change will affect the current levels of disinfection.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.743 Filtration

A PWS subject to the requirements of this Subpart that does not meet all of the standards in this Subpart and Subpart B of this Part for avoiding filtration shall provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment which complies with the requirements of subsection (a) or (b) of this Section or Section 611.250(b) or (c) by December 31, 2001.

a) Conventional filtration treatment or direct filtration.
1) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's

filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, measured as specified in Sections 611.531 and 611.533.
2) The turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in Sections 611.531 and 611.533.
3) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the Agency.

b) Filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration. A PWS may use a filtration technology not listed in subsection (a) of this Section or in Section 611.250(b) or (c) if it demonstrates to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242(b), consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts and 99.99 percent removal or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts, and the Agency approves the use of the filtration technology. For each approval, the Agency shall set turbidity performance requirements that the system shall meet at least 95 percent of the time and that the system shall not exceed at any time at a level that consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts, 99.99 percent removal or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.744 Filtration Sampling Requirements

a) Monitoring requirements for systems using filtration treatment. In addition to monitoring required by Sections 611.531 and 611.533, a PWS subject to the requirements of this Subpart that provides conventional filtration treatment or direct filtration shall conduct continuous monitoring of turbidity for each individual filter using an approved method in Section 611.531(a) and shall calibrate turbidimeters using the procedure specified by the manufacturer. Systems shall record the results of individual filter monitoring every 15 minutes.

b) If there is a failure in the continuous turbidity monitoring equipment, the system shall conduct grab sampling every four hours in lieu of continuous monitoring, until the turbidimeter is back online. A system shall repair the equipment within a maximum of 5 working days after failure.

(Source: Added at 23 Ill. Reg. 10340, effective AUG 11 1999)

Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides conventional filtration treatment or direct filtration shall report monthly to the Agency the information specified in subsections (a) and (b) of this Section beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides filtration approved under Section 611.743(b) shall report monthly to the Agency the information specified in subsection (a) of this Section beginning January 1, 2002. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

a) Turbidity measurements as required by Section 611.743 must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported is:

1) The total number of filtered water turbidity measurements taken during the month.

2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).

3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).

b) Systems shall maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. Systems shall report that they have conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. Systems shall report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the system serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (4) of this Section. Systems that use lime softening may apply to the Agency for alternative exceedence levels for the levels specified in subsections (b)(1) through (4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedence occurred. In addition, the system shall either produce a filter profile for the filter within seven days after the exceedence (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedence.

2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system shall report the filter number, the turbidity, and the date(s) on which the exceedence occurred. In addition, the system shall either produce a filter profile for the filter within seven days after the exceedence (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedence.

3) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedence occurred. In addition, the system shall conduct a self-assessment of the filter within 14 days after the exceedence and report that the self-assessment was conducted. The self assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system shall report the filter number, the turbidity measurement, and the date(s) on which the exceedence occurred. In addition, the system shall arrange for the conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the exceedence and have the evaluation completed and submitted to the Agency no later than 90 days following the exceedence.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section 611.851 Reporting MCL, MRDL, and other Violations

A PWS ~~supplier~~ that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

a) Except as provided in subsection (c), the supplier shall give notice:

1) By publication in a daily newspaper of general circulation in the

area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and

2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SEP that the supplier in violation has corrected the violation or failure within the 45-day period; and

3) For violations of the MCLs of contaminants or MRDLs of disinfectants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:

A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.

B) Violation of the MCL for nitrate or nitrite in Section 611.301.

C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).

D) Occurrence of a waterborne disease outbreak.

E) Violation of the MRDL for chlorine dioxide as defined in Section 611.313 and determined according to Section 611.383(c)(2).

b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

c) Alternative methods of notice.

1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice by hand delivery or by continuous

posting in conspicuous places within the area served by the non-CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

3) Where allowed, pursuant to Section 611.609(d), 611.646(o)(3), or 611.648(k)(3) because it has a separable system, a supplier may issue public notice only to persons on that portion of its system that is ~~its~~ out of compliance.

BOARD NOTE: Generally derived from 40 CFR 141.32(a) (1998~~+999~~). Subsection (c)(3) derived from 40 CFR 141.23(i)(4) & 141.24(f)(15)(iii), (g)(9) & (h)(11)(iii) (1993).

(Source: Amended at 23 Ill. Reg. 10348~~3~~, effective AUG 11 1999)

Section 611.853 Notice to New Billing Units

A CWS supplier shall give a copy of the most recent public notice for any outstanding violation of any MCL, MRDL, treatment technique requirement or variance or adjusted standard schedule to all new billing units or new hookups prior to or at the time service begins.

BOARD NOTE: Derived from 40 CFR 141.32(c) (1998~~+989~~) and 40 CFR 141.32(e) (1998).

(Source: Amended at 23 Ill. Reg. 10346~~5~~, effective AUG 11 1999)

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section 611.881 Purpose and Applicability of this Subpart

a) This Subpart establishes the minimum requirements for the content of annual reports that community water systems (CWSs) must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

b) Notwithstanding the provisions of Section 611.100(d), this Subpart only applies to CWSs.

c) For the purpose of this Subpart, "customers" are defined as billing units or service connections to which water is delivered by a CWS.

d) For the purpose of this Subpart, "detected" means: at or above the detection limit levels prescribed by Section 611.600(d) for inorganic

contaminants, at or above the levels prescribed by Section 611.646 for Phase I, II, and V VOCs, at or above the levels prescribed by Section 611.648(r) for Phase II, IIB, and V SOCs, and at or above the levels prescribed by Section 611.720(c)(3) for radioactive contaminants.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.882 Compliance Dates

a) Each existing CWS shall deliver its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report must contain data collected during, or prior to, calendar year 1998 as prescribed in Section 611.883(d)(3). Each report thereafter must contain data collected during, or prior to, the previous calendar year.

b) A new CWS shall deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.

c) A community water system that sells water to another community water system must deliver the applicable information required in Section 611.883 to the buyer system:

1) No later than April 1, 2000, and by April 1 annually thereafter; or

2) On a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.883 Content of the Reports

a) Each CWS shall provide to its customers an annual report that contains the information specified in this Section and Section 611.884.

b) Information on the source of the water delivered:

1) Each report must identify the source(s) of the water delivered by the CWS by providing information on:

A) The type of the water: e.g., surface water, groundwater; and

B) The commonly used name (if any) and location of the body (or bodies) of water.

2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.

c) Definitions.

1) Each report must include the following definitions:

A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

2) A report for a CWS operating under relief from an NPDWR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions.

3) A report that contains data on a contaminant for which USEPA has set a treatment technique or an action level must include one or both of the following definitions as applicable:

A) Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.

B) Action Level: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.

d) Information on detected contaminants.

1) This subsection (d) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to:

A) Contaminants subject to an MCL, action level, or treatment technique (regulated contaminants);

B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and

C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.

2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.

3) The data must be derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except that:

A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most

recent testing done in accordance with the regulations. No data older than five years need be included.

B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4) For detected regulated contaminants (listed in Appendix F of this Part), the table(s) must contain:

A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix F);

B) The Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL;

C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;

D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:

i) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix F; derived from 40 CFR 153 (1998).

E) For turbidity:

i) When it is reported pursuant to Section 611.560: The highest average monthly value.

ii) When it is reported pursuant to the requirements of Section 611.211(b): The highest monthly value. The report must include an explanation of the reasons for measuring turbidity.

iii) When it is reported pursuant to Section 611.250 or 611.743: The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250 or 611.743 for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;

F) For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

G) For total coliform:

i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

H) For fecal coliform: the total number of positive samples; and

I) The likely source(s) of detected contaminants to the best of the supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.

5) If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

6) The table(s) must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS shall use the relevant language of Appendix H of this Part.

7) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table(s) must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

e) Information on Cryptosporidium, radon, and other contaminants:

1) If the CWS has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of Subpart L, that indicates that Cryptosporidium may be present in

the source water or the finished water, the report must include:

A) A summary of the results of the monitoring; and

B) An explanation of the significance of the results.

2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:

A) The results of the monitoring; and

B) An explanation of the significance of the results.

3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include:

A) The results of the monitoring; and

B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.

f) Compliance with an NPDWR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.

1) Monitoring and reporting of compliance data;

2) Filtration and disinfection prescribed by Subpart B of this Part. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches;

3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Section 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix H for lead, copper, or both;

4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix H;

5) Recordkeeping of compliance data;

6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and

7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.

g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, 611.130, or 611.131, the report must contain:

1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;

2) The date on which the variance, adjusted standard, or site-specific rule was issued;

3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and

4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.

h) Additional information:

1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.

A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

B) Contaminants that may be present in source water include:

i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and

v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).

2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.

5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

(Source: Added at 23 Ill. Reg. 10487, effective AUG 11 1999)

Section 611.884 Required Additional Health Information

a) All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Center for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791).

b) A CWS that detects arsenic at levels above 25 ug/L, but below the MCL:

1) Shall include in its report a short informational statement about arsenic, using the following language: USEPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally-occurring mineral known to cause cancer in humans at high concentrations; or

2) May write its own educational statement, but only in consultation with the Agency.

c) A CWS that detects nitrate at levels above 5 mg/L, but below the MCL:

1) Shall include a short informational statement about the impacts of nitrate on children, using the following language: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider; or

2) May write its own educational statement, but only in consultation with the Agency.

d) A CWS that detects lead above the action level in more than 5%, and up to and including 10%, of homes sampled:

1) Shall include a short informational statement about the special impact of lead on children, using the following language: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791); or

2) May write its own educational statement, but only in consultation with the Agency.

e) A CWS that detects TTHM above 0.080 mg/L, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the provisions of Section 611.680, shall include the health effects language prescribed by Appendix H(73).

(Source: Added at 23 Ill. Reg. 10485, effective AUG 11 1999)

Section 611.885 Report Delivery and Recordkeeping

a) Except as provided in subsection (q) of this Section, each CWS shall mail or otherwise directly deliver one copy of the report to each customer.

b) The CWS shall make a good faith effort to reach consumers who do not

get water bills, using means recommended by the Agency. A good faith effort to reach consumers includes, but is not limited to, methods such as: posting the reports on the Internet, advertising the availability of the report in the news media, publication in a local newspaper, or delivery to community organizations.

c) No later than the date the CWS is required to distribute the report to its customers, each CWS shall mail a copy of the report to the Agency, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Agency.

d) No later than the date the CWS is required to distribute the report to its customers, each CWS shall deliver the report to any other agency or clearinghouse identified by the Agency.

e) Each CWS shall make its reports available to the public upon request.

f) Each CWS serving 100,000 or more persons shall post its current year's report to a publicly-accessible site on the Internet.

g) The Governor or his designee may waive the requirement of subsection (a) of this Section for a CWS serving fewer than 10,000 persons.

1) Such a CWS shall:

A) Publish the report in one or more local newspapers serving the county in which the CWS is located;

B) Inform the customers that the report will not be mailed, either in the newspapers in which the report is published or by other means approved by the Agency; and

C) Make the report available to the public upon request.

2) Systems serving fewer than 500 persons may forgo the requirements of subsections (g)(1)(A) and (B) of this Section if they provide notice at least once per year to their customers by mail, door-to-door delivery or by posting in a location approved by the Agency that the report is available upon request.

h) Any system subject to this Subpart shall retain copies of its consumer confidence report for no less than five years.

(Source: Added at 23 Ill. Reg. 10385, effective AUG 11 1999)

Section 611.APPENDIX A Mandatory Health Effects Information

1) Trichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

2) Carbon tetrachloride. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

3) 1,2-Dichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals may also increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

4) Vinyl chloride. The United States Environmental Protection Agency

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(USEPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of [concentration to be provided by supplier] milligrams per liter (mg/L).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase you water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact [name of contact person to be provided by supplier] at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1998~~1995~~).

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B or Subpart R of this Part). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA requirements is associated with little to none of this risk and should be considered safe.

11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

13) Lead. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solders and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with those materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deflicts in the attention span, hearing, and learning abilities of children, and slight increases in blood pressure of some adults. USEPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the USEPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control or ~~and/or~~ source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.

14) Copper. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. USEPA's national primary drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the USEPA "action level") are not required to install or improve their treatment. Any

water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

15) Asbestos. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking, in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysolite asbestos fibers greater than 10 micrometers in length is associated with causing benign tumors in male rats. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for asbestos at 7 million long fibers per liter to reduce the potential risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets the USEPA standard is associated with little to none of this risk and should be considered safe with respect to asbestos.

16) Barium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that barium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in come aquifiers that serve as sources of groundwater. It is also used in oil and gas drilling muds, automotive paints, bricks, tiles, and jet fuels. It generally gets into drinking water after dissolving from naturally occurring minerals in the ground. This chemical may damage the heart and vascular system, and is associated with highblood pressure in laboratory animals such as rate exposed to high levels during their lifetimes. In humans, USEPA believes that affects from barium on blood pressure should not occur below 2 parts per million (ppm) in drinking water. USEPA has set the drinking water standard for barium at 2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to barium.

17) Cadmium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal

is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. USEPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

18) Chromium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. USEPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

19) Mercury. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. USEPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

20) Nitrate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human or ~~and/or~~ farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in

that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

21) Nitrite. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans or ~~and/or~~ farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.

22) Selenium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans,

exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

23) Acrylamide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

24) Alachlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

25) Aldicarb. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in

laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

26) Aldicarb sulfoxide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfoxide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfoxide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfoxide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rate and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfoxide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfoxide.

27) Aldicarb sulfone. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfone at 0.0002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfone.

28) Atrazine. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to affect offspring of rats and the hearts of dogs. USEPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbofuran is a

health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

30) Chlordane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure.

This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rates and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amount of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get

into drinking water by runoff into surface water or by leaching into ground water. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37) Epichlorohydrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EDB). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for EDB at 0.00005 parts per million (ppm) to reduce the risk of cancer of other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40) Heptachlor. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

none of this risk and is considered safe with respect to heptachlor.

41) Heptachlor epoxide. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor expoxide may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, hervicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm)

to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

47) Styrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

50) Toxaphene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical

was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that caused cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

51) 2,4,5-TP. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52) Xylenes. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

53) Antimony. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that antimony is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get

into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

54) Beryllium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, USEPA based the health assessment on noncancer effects with the extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

55) Cyanide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. USEPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56) Nickel. This subsection corresponds with 40 CFR 141.32(e)(56) marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

57) Thallium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic

chemical occurs naturally in soils, ground water, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

58) Benzo(a)pyrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure. Cigarette smoke and charbroiled meats are common sources of general exposure. The major source of benzo(a)pyrene in drinking water is the leaching from coal tar lining and sealants in water storage tanks. This chemical has been shown to cause cancer in animals such as rats and mice when the animals are exposed to high levels. USEPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

59) Dalapon. The United States Environemental Protection Agency (USEPA) sets drinking water standards and has determined that dalapon is a health concern at certain levels of exposure. This organic chemical is a widely used herbicide. It may get into drinking water after application to control grasses in crops, drainage ditches, and along railroads. This chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for dalapon at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dalapon.

60) Dichloromethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure. This organic chemical is a widely used solvent. It is used in the manufacturer of paint remover, as a metal degreaser, and as an aerosol propellant. It generally gets into water after improper discharge of waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for dischloromethane at 0.005 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe

with respect to dichloromethane.

61) Di(2-ethylhexyl)adipate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that di(2-ethylhexyl)adipate is a health concern at certain levels of exposure. Di(2-ethylhexyl)adipate is a widely used plasticizer in a variety of products, including synthetic rubber, food packaging material, and cosmetics. It may get into drinking water after improper waste disposal. This chemical has been shown to damage the liver and tests in laboratory animals such as rats and mice when the animals are exposed to high levels. USEPA has set the drinking water standard for di(2-ethylhexyl)adipate at 0.4 parts per million (ppm) to protect against the risk of adverse health effects that have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)adipate.

62) Di(2-ethylhexyl)phthalate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that di(2-ethylhexyl)phthalate is a health concern at certain levels of exposure. Di(2-ethylhexyl)phthalate is a widely used plasticizer, which is primarily used in the production of polyvinyl chloride (PVC) resins. It may get into drinking water after improper waste disposal This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for di(2-ethylhexyl)phthalate at 0.004 parts per million (ppm) to protect against the risk of cancer or other adverse health effects which have been observed ~~observed~~ in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)phthalate.

63) Dinoseb. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dinoseb is a health concern at certain levels of exposure. Dinoseb is a widely used pesticide and generally gets into water after application on orchards, vineyards, and other crops. This chemical has been shown to damage the thyroid and reproductive organs in laboratory animals such as rats exposed to high levels. USEPA has set the drinking water standard for dinoseb at 0.007 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dinoseb.

64) Diquat. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that diquat is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, and gastrointestinal tract and causes cataract formation in laboratory animals such as dogs and rats exposed at high levels over their lifetimes. USEPA has set the

drinking water standard for diquat at 0.02 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to diquat.

65) Endothall. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that endothall is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kiney, gastrointestinal tract, and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. USEPA has set the drinking water standard for endothall at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to endothall.

66) Endrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that endrin is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer registered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney, and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against their risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure. This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the

animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is a used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. USEPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

70) Oxamyl. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and other pests. It may get into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. USEPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Picloram. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that picloram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper waste disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for picloram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to picloram.

72) Simazine. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that simazine is a

health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in herbicide manufacture. It generally gets into drinking water by discharge from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. USEPA has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

74) 1,1,2-Trichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD (dioxin). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for dioxin at 0.00000003 parts per million (ppm) to protect against

the risk of cancer or other adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dioxin.

76) Chlorine. The USEPA sets drinking water standards and has determined that chlorine is a health concern at certain levels of exposure. Chlorine is added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and is also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chlorine has been shown to affect blood and the liver in laboratory animals. USEPA has set a drinking water standard for chlorine to protect against the risk of these adverse effects. Drinking water which meets this USEPA standard is associated with little to none of this risk and should be considered safe with respect to chlorine.

77) Chloramines. The USEPA sets drinking water standards and has determined that chloramines are a health concern at certain levels of exposure. Chloramines are added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and are also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chloramines have been shown to affect blood and the liver in laboratory animals. USEPA has set a drinking water standard for chloramines to protect against the risk of these adverse effects. Drinking water which meets this USEPA standard is associated with little to none of this risk and should be considered safe with respect to chloramines.

78) Chlorine dioxide. The USEPA sets drinking water standards and has determined that chlorine dioxide is a health concern at certain levels of exposure. Chlorine dioxide is used in water treatment to kill bacteria and other disease-causing microorganisms and can be used to control tastes and odors. Disinfection is required for surface water systems. However, at high doses, chlorine dioxide-treated drinking water has been shown to affect blood in laboratory animals. Also, high levels of chlorine dioxide given to laboratory animals in drinking water have been shown to cause neurological effects on the developing nervous system. These neurodevelopmental effects may occur as a result of a short-term excessive chlorine dioxide exposure. To protect against such potentially harmful exposures, USEPA requires chlorine dioxide monitoring at the treatment plant, where disinfection occurs, and at representative points in the distribution system serving water users. USEPA has set a drinking water standard for chlorine dioxide to protect against the risk of these adverse effect. Note: In addition to the language in this introductory text of subsection (78), systems must include either the language in subsection (78)(a) or (78)(b) of this Appendix. Systems with a violation at the treatment plant, but not in the distribution system, are required to use the language in subsection (78)(a) and treat the

violation as a nonacute violation. Systems with a violation in the distribution system are required to use the language in subsection (78)(b) of this Appendix and treat the violation as an acute violation.

a) The chlorine dioxide violations reported today are the result of exceedences at the treatment facility only, and do not include violations within the distribution system serving users of this water supply. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to present consumers.

b) The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system serving water users. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including pregnant women, infants, and young children, may be especially susceptible to adverse effects of excessive exposure to chorine dioxide-treated water. The purpose of this notice is to advise that such persons should consider reducing their risk of adverse effects from these chlorine dioxide violations by seeking alternate sources of water for human consumption until such exceedences are rectified. Local and State health authorities are the best sources for information concerning alternate drinking water.

79) Disinfection byproducts (DBPs) and treatment technique for DBPs. The USEPA sets drinking water standards and requires the disinfection of drinking water. However, when used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA has determined that a number of DBPs are a health concern at certain levels of exposure. Certain DBPs, including some trihalomethanes (THMs) and some haloacetic acids (HAAs), have been shown to cause cancer in laboratory animals. Other DBPs have been shown to affect the liver and the nervous system, and cause reproductive or developmental effects in laboratory animals. Exposure to certain DBPs may produce similar effects in people. USEPA has set standards to limit exposure to THMs, HAAs, and other DBPs.

80) Bromate. The USEPA sets drinking water standards and has determined that bromate is a health concern at certain levels of exposure. Bromate is formed as a byproduct of ozone disinfection of drinking water. Ozone reacts with naturally occurring bromide in the water to form bromate. Bromate has been shown to produce cancer in rats. USEPA has set a drinking water standard to limit exposure to bromate.

81) Chlorite. The USEPA sets drinking water standards and has determined that chlorite is a health concern at certain levels of exposure. Chlorite is formed from the breakdown of chlorine dioxide, a drinking water disinfectant. Chlorite in drinking water has been shown to affect blood and the developing nervous system. USEPA has set a drinking water standard for chlorite to protect against these effects.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Drinking water which meets this standard is associated with little to none of these risks and should be considered safe with respect to chlorite.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1998~~1995~~).

(Source: Amended at 23 Ill. Reg. 10385 effective ~~AUG 1 1 1999~~)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 611.APPENDIX F Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports

Key

AL	= Action Level
MCL	= Maximum Contaminant Level
MFL	= million fibers per liter
mrem/year	= millirems per year (a measure of radiation absorbed by the body)
NTU	= Nephelometric Turbidity Units
pCi/L	= picocuries per liter (a measure of radioactivity)
ppm	= parts per million, or milligrams per liter (mg/L)
ppb	= parts per billion, or micrograms per liter (ug/L)
ppt	= parts per trillion, or nanograms per liter
ppq	= parts per quadrillion, or picograms per liter
TT	= Treatment Technique

Contaminant	MCL in compliance units (mg/L)	multiply by...	MCL in CCR units	MCLG in CCR units
Microbiological Contaminants				
1. Total Coliform Bacteria			(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and E. coli			A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive.	0
3. Turbidity			TT (NTU)	n/a

Radioactive Contaminants				
4. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
5. Alpha emitters	15 pCi/L		15 pCi/L	0
6. Combined radium	5 pCi/L		5 pCi/L	0
Inorganic Contaminants				
7. Antimony	0.006	1000	6 ppb	6
8. Arsenic	0.05	1000	50 ppb	n/a
9. Asbestos	7 MFL		7 MFL	7
10. Barium	2		2 ppm	2
11. Beryllium	0.004	1000	4 ppb	4
12. Cadmium	0.005	1000	5 ppb	5
13. Chromium	0.1	1000	100 ppb	100
14. Copper	AL=1.3		AL=1.3 ppm	1.3
15. Cyanide	0.2	1000	200 ppb	200
16. Fluoride	4		4 ppm	4
17. Lead	AL=.015	1000	AL=15 ppb	0
18. Mercury (inorganic)	0.002	1000	2 ppb	2
19. Nitrate (as Nitrogen)	10	10 ppm		10
20. Nitrite (as Nitrogen)	1		1 ppm	1
21. Selenium	0.05	1000	50 ppb	50
22. Thallium	0.002	1000	2 ppb	0.5

Synthetic Organic Contaminants Including Pesticides and Herbicides				
23. 2,4-D	0.07	1000	70 ppb	70
24. 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
25. Acrylamide			TT	0
26. Alachlor	0.002	1000	2 ppb	0
27. Atrazine	0.003	1000	3 ppb	3
28. Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
29. Carbofuran	0.04	1000	40 ppb	40
30. Chlordane	0.002	1000	2 ppb	0
31. Dalapon	0.2	1000	200 ppb	200
32. Di(2-ethyl-hexyladipate	0.4	1000	400 ppb	400
33. Di(2-ethyl-hexylphthalate	0.006	1000	6 ppb	0
34. Dibromochloro-propane	0.0002	1,000,000	200 ppt	0
35. Dinoseb	0.007	1000	7 ppb	7
36. Diquat	0.02	1000	20 ppb	20
37. Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	u30 ppq	0
38. Endothall	0.1	1000	100 ppb	100
39. Endrin	0.002	1000	2 ppb	2
40. Epichlorohydrin			TT	0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

41. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
42. Glyphosate	0.7	1000	700 ppb	700
43. Heptachlor	0.0004	1,000,000	400 ppt	0
44. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
45. Hexachloro-benzene	0.001	1000	1 ppb	0
46. Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
47. Lindane	0.0002	1,000,000	200 ppt	200
48. Methoxychlor	0.04	1000	40 ppb	40
49. Oxamyl [Vydate]	0.2	1000	200 ppb	200
50. PCBs [Poly-chlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
51. Pentachloro-phenol	0.001	1000	1 ppb	0
52. Picloram	0.5	1000	500 ppb	500
53. Simazine	0.004	1000	4 ppb	4
54. Toxaphene	0.003	1000	3 ppb	0
Volatile Organic Contaminants				
55. Benzene	0.005	1000	5 ppb	0
56. Carbon tetra-chloride	0.005	1000	5 ppb	0
57. Chlorobenzene	0.1	1000	100 ppb	100
58. o-Dichloro-benzene	0.6	1000	600 ppb	600

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

59. p-Dichloro-benzene	0.075	1000	75 ppb	75
60. 1,2-Dichloro-ethane	0.005	1000	5 ppb	0
61. 1,1-Dichloro-ethylene	0.007	1000	7 ppb	7
62. cis-1,2-Di-chloroethylene	0.07	1000	70 ppb	70
63. trans-1,2-Di-chloroethylene	0.1	1000	100 ppb	100
64. Dichloro-methane	0.005	1000	5 ppb	0
65. 1,2-Dichloro-propane	0.005	1000	5 ppb	0
66. Ethylbenzene	0.7	1000	700 ppb	700
67. Styrene	0.1	1000	100 ppb	100
68. Tetrachloro-ethylene	0.005	1000	5 ppb	0
69. 1,2,4-Tri-chlorobenzene	0.07	1000	70 ppb	70
70. 1,1,1-Tri-chloroethane	0.2	1000	200 ppb	200
71. 1,1,2-Tri-chloroethane	0.005	1000	5 ppb	3
72. Trichloro-ethylene	0.005	1000	5 ppb	0
73. TTHMs [Total trihalomethanes]	0.10	1000	100 ppb	n/a
74. Toluene	1		1 ppm	1
75. Vinyl Chloride	0.002	1000	2 ppb	0
76. Xylenes	10		10 ppm	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Board Note: Derived from Appendix A to Subpart O, 40 CFR Subpart O (1998).

(Source: Added at 23 Ill. Reg. 10343, effective AUG 11 1999)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 611.APPENDIX G Regulated Contaminants

Key

AL	= Action Level
MCL	= Maximum Contaminant Level
MFL	= million fibers per liter
mrem/year	= millirems per year (a measure of radiation absorbed by the body)
NTU	= Nephelometric Turbidity Units
pCi/L	= picocuries per liter (a measure of radioactivity)
ppm	= parts per million, or milligrams per liter (mg/L)
ppb	= parts per billion, or micrograms per liter (ug/L)
ppt	= parts per trillion, or nanograms per liter
ppq	= parts per quadrillion, or picograms per liter
TT	= Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive sample	Naturally present in the environment
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are fecal coliform positive, and one is also fecal coliform or E. coli positive	Human and animal fecal waste

3. Turbidity	n/a	TT	Soil runoff
Radioactive Contaminants			
4. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits
5. Alpha emitters (pCi/L)	0	15	Erosion of natural deposits
6. Combined radium (pCi/L)	0	5	Erosion of natural deposits
Inorganic Contaminants			
7. Antimony (ppb)	6	6	Discharge from petroleum refineries; Fire retardants; Ceramics; Electronics; Solder
8. Arsenic (ppb)	n/a	50	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes
9. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits
10. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits
11. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries
12. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints

13. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits
14. Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
15. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories
16. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
17. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits
18. Mercury [inorganic] (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland
19. Nitrate [as Nitrogen] (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
20. Nitrite [as Nitrogen] (ppm)	1	1	Runoff from fertilizer; use; Leaching from septic tanks, sewage; Erosion of natural deposits
21. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines

22. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories
Synthetic Organic Contaminants Including Pesticides and Herbicides			
23. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops
24. 2,4,5-TP [Silvex] (ppb)	50	50	Residue of banned herbicide
25. Acrylamide	0	TT	Added to water during sewage/wastewater treatment
26. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops
27. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops
28. Benzo(a)pyrene [PAH] (nanograms/L)	0	200	Leaching from linings of water storage tanks and distribution lines
29. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa
30. Chlordane (ppb)	0	2	Residue of banned termiticide
31. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way
32. Di(2-ethylhexyl)-adipate (ppb)	400	400	Discharge from chemical factories
33. Di(2-ethylhexyl) phthalate (ppb)	0	6	Discharge from rubber and chemical factories
34. Dibromochloro-propane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards

35. Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables
36. Diquat (ppb)	20	20	Runoff from herbicide use
37. Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories
38. Endothall (ppb)	100	100	Runoff from herbicide use
39. Endrin (ppb)	2	2	Residue of banned insecticide
40. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals
41. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries
42. Glyphosate (ppb)	700	700	Runoff from herbicide use
43. Heptachlor (ppt)	0	400	Residue of banned termiticide
44. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor
45. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories
46. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories
47. Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens

48. Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock
49. Oxamyl [Vydate] (ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes, and tomatoes
50. PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals
51. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories
52. Picloram (ppb)	500	500	Herbicide runoff
53. Simazine (ppb)	4	4	Herbicide runoff
54. Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle
Volatile Organic Contaminants			
55. Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills
56. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities
57. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories
58. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories
59. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories
60. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories

61. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories
62. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories
63. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories
64. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories
65. 1,2-Dichloropropane (ppb) (ppb)	0	5	Discharge from industrial chemical factories
66. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries
67. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills
68. Tetrachloroethylene (ppb)	0	5	Leaching from PVC pipes; Discharge from factories and dry cleaners
69. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile finishing factories
70. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories
71. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories
72. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories
73. TTHMs [Total trihalomethans] (ppb)	n/a	100	Byproduct of drinking water chlorination

74. Toluene (ppm)	1	1	Discharge from petroleum factories
75. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories
76. Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories

BOARD NOTE: Derived from Appendix B to Subpart O, 40 CFR Subpart O (1998).

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

Section 611.Appendix H Health Effects Language

Microbiological Contaminants

1) Total Coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

2) Fecal coliform/E. coli. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

3) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Radioactive Contaminants

4) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

5) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

6) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

Inorganic Contaminants

7) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

8) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with

their circulatory system, and may have an increased risk of getting cancer.

9) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

10) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

11) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

12) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

13) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

14) Copper. Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

15) Cyanide. Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

16) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

17) Lead. Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

18) Mercury (inorganic). Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

19) Nitrate. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

20) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

21) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

22) Thallium. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic Organic Contaminants Including Pesticides and Herbicides

23) 2,4-D. Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

24) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

25) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

26) Alachlor. Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

27) Atrazine. Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

28) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties, and may have an increased risk of getting cancer.

29) Carbofuran. Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

30) Chlordane. Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

31) Dalapon. Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

32) Di(2-ethylhexyl)adipate. Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

33) Di(2-ethylhexyl)phthalate. Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

34) Dibromochloropropane (DBCP). Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties, and may have an increased risk of getting cancer.

35) Dinoseb. Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

36) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties, and may have an increased risk of getting cancer.

37) Diquat. Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

38) Endothall. Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

39) Endrin. Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

40) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

41) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

42) Glyphosate. Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

43) Heptachlor. Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

44) Heptachlor epoxide. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

45) Hexachlorobenzene. Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

46) Hexachlorocyclopentadiene. Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

47) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

48) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

49) Oxamyl [Vydate]. Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

50) PCBs [Polychlorinated biphenyls]. Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

51) Pentachlorophenol. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

52) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

53) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

54) Toxaphene. Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile Organic Contaminants

55) Benzene. Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

56) Carbon Tetrachloride. Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver, and may have an increased risk of getting cancer.

57) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

58) o-Dichlorobenzene. Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

59) p-Dichlorobenzene. Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

60) 1,2-Dichloroethane. Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

61) 1,1-Dichloroethylene. Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

62) cis-1,2-Dichloroethylene. Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

63) trans-1,2-Dicholoroethylene. Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

64) Dichloromethane. Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems, and may have an increased risk of getting cancer.

65) 1,2-Dichloropropane. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

66) Ethylbenzene. Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

67) Styrene. Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

68) Tetrachloroethylene. Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

69) 1,2,4-Trichlorobenzene. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

70) 1,1,1,-Trichloroethane. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

71) 1,1,2-Trichloroethane. Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

72) Trichloroethylene. Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver, and may have an increased risk of getting cancer.

73) TTHMs [Total Trihalomethanes]. Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

74) Toluene. Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

75) Vinyl Chloride. Some people who drink water containing vinyl chloride

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in excess of the MCL over many years may have an increased risk of getting cancer.

76) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

(Source: Added at 23 Ill. Reg. 10348, effective AUG 11 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: 679.50 — Emergency Action: Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendments: August 10, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: August 10, 1999

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: In June 1999, Governor Ryan signed legislation which increased the rates of payment for Personal Assistants paid by the Home Services Program. This rate increase was effective on July 1, 1999. This increase requires the Service Cost Maximums (SCMs) for the Home Services Program to be increased so that customers can receive the needed hours of service. Failure to increase the SCMs to reflect the increased costs would be detrimental to the health and safety of customers of the Home Services Program. The threat to the health and safety arises because current customers in need of increased hours of service to address changes in their medical or home situation cannot receive these services if the cost of the services exceeds the current SCMs. Also, new customers cannot receive the hours of service they may need because the cost of the services with the rate increase will exceed the SCMs.

10) A Complete Description of the Subject and Issues Involved: The purpose of this amendment is to increase the Service Cost Maximums of the Home Services Program. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by the Governor. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679
DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section
679.10 General Provisions
679.20 Composition of the DON
679.30 Scoring of the DON Except for Respite Cases
679.40 Scoring the DON for Respite Cases
679.50 Service Cost Maximums (SCMs)
EMERGENCY

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 7492, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days.

Section 679.50 Service Cost Maximums (SCMs)
EMERGENCY

a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	$ 955 ~~809~~
33 through 40	$ 1,097 ~~930~~
41 through 49	$ 1,220 ~~1,034~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

50 through 59	$	1,461 ~~1,238~~
60 through 69	$	1,717 ~~1,455~~
70 through 79	$	1,857 ~~1,574~~
80 through 100	$	1,996 ~~1,692~~

c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score		SCM
29 through 32	$	1,230 ~~1,042~~
33 through 40		1,843 ~~1,562~~
41 through 49		2,458 ~~2,083~~
50 through 59		3,073 ~~2,604~~
60 through 69		3,688 ~~3,125~~
70 through 79		4,301 ~~3,645~~
80 through 100		4,917 ~~4,167~~

d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

Total DON Score		SCM
29 through 32	$	1,064 ~~902~~
33 through 40		1,181 ~~1,001~~
41 through 49		1,312 ~~1,112~~
50 through 59		1,572 ~~1,332~~
60 through 69		1,848 ~~1,566~~
70 through 79		1,998 ~~1,693~~
80 through 100		2,148 ~~1,820~~

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: 112.82 — Emergency Action: Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) Effective Date of Amendment: August 1, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed with the Index Department: August 1, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The basis for emergency filing is that the inability to provide a full spectrum of supportive services to all TANF clients is hindering the Deparmtent's ability to move clients along the path of self-sufficiency and ultimately off of TANF cash assistance.

10) A Complete Description of the Subjects and Issues Involved: Many clients participating in Work and Training activities need the same supportive services that employed clients receive. These proposed amendments update the limits of supportive services allowed for employment expenses and for Work and Training expenses. As a result of these proposed amendments, supportive service allowances previously limited to employed clients may be issued to clients in approved Work and Training activities.

11) Are there any proposed amendments to this Part Pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.78	Amendment	23 Ill. Reg. 5637

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

100 South Grand Avenue East
3rd Floor Harris Bldg.
Sprinfield, Illinois 62762
(217)785-9772

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section
112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
EMERGENCY
112.83 Teen Parent Services
112.84 Work Experience Evaluation Project (Repealed)
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels in Group I Counties
112.253 Payment Levels in Group II Counties
112.254 Payment Levels in Group III Counties
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or After 8/22/96
112.309 Institutional Status
112.310 Child Care for Representative Payees
112.315 Young Parent Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Supportive Services
EMERGENCY

a) TANF participants who work or who are involved in TANF employment and work activities are eligible to receive supportive service payments to enable them to work or participate in the program to the extent State resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.

b) During the Family Assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
   1) transportation;
   2) child care;
   3) job search and work activity allowances;
   4) ~~initial~~ employment/job retention expenses;
   5) required books, fees, supplies;
   6) required physical examinations and medical services (for example, TB test);
   7) eyeglasses and dental procedures; and
   8) required background checks.

c) These allowances are exempt from consideration in determining the TANF grant amount.

d)~~c)~~ TANF participation in work or in employment and training activities shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Child Care.

e)~~d)~~ Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility or need for supportive services under the TANF program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the TANF program. Nor shall such exception apply if the educational

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

institution intermingles student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF program.

~~f)~~ ~~e)~~ Eligible Services

1) Transportation

A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to work or to attend scheduled TANF work and training-related activities and appointments.

B) Transportation expenses are to be paid to permit the participant to work or to permit participation in TANF work and training-related activities, including travel necessary to locate appropriate child care.

C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

D) Payment for lodging is permitted with Department approval to allow the participant to take a State certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

F) A transportation allowance is provided for participants in approved education and training activities: Work Experience, Work First, and approved program activities (for example, job clubs and Job Readiness sessions).

i) Public Transportation

Pay the actual public transportation rate per day or the cost of a monthly ~~bus~~ pass, whichever is less~~, but not to exceed $80 per month~~. This ~~allowance~~ applies to the City of Chicago and communities statewide where public transportation is available.

ii) Private Transportation

Pay the following monthly rates if the participant must use a privately owned vehicle or pay someone for transportation: $30 - Round trip transportation less than 10 miles per day; $45 - Round trip transportation from 10 to 20 miles per day; and $60 - Round trip transportation over 20 miles per day.

2) Child Care

A) If requested and required (for example, when school is not in session), expenses for child care services shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

provided to enable participants to attend work and training-related TANF appointments.

B) Child care expenses are to be paid to permit participation in TANF employment and work activities (see Section 112.78).

C) Child care expenses may be paid to enable participants to start or maintain employment.

D) ~~c)~~ The Department shall allow payment of an amount not to exceed the maximum rates per child as established by the Department.

3) Job Search and Work Activity Allowances

A) An allowance of $20 a month is to be paid to individuals participating in the Job Search Activity to assist in the payment of Job Search-related expenses or to individuals to assist in the payment of Job Search-related expenses if Job Search activities are part of another TANF activity.

B) An allowance of $20 a month is to be paid to individuals to assist in the payment of work expenses related to participation in assigned TANF work-related activities.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of $300 per 12 month period shall be provided. No payments are allowed for tuition.

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of $300 per 12 month period can be provided for expenses not covered by financial aid benefits.

6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

~~7) Initial Employment/Job Retention Expenses~~

~~A) The total amount of all Initial Employment Expenses provided shall not exceed $400 in a 12 consecutive month period following the date employment begins. Initial Employment Expenses used for child care are excluded from the calculation of the total amount.~~

~~B) The total amount of all Job Retention Expenses provided shall not exceed $400 in a six consecutive month period. Job Retention Expenses used for child care, optical, and dental services are excluded from the calculation of the total amount.~~

~~C) These expenses include:~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

i) special clothing (maximum $200);
ii) required tools which are not provided by the employer (maximum $200);
iii) repairs on an automobile (maximum $300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client for the client's spouse in a TANF case);
iv) auto license plate fees;
v) auto liability insurance at the cheapest rate but not to exceed $150 or three months coverage, whichever is less costly;
vi) pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is less, but not to exceed $80 per month. This allowance applies to the City of Chicago and communities statewide where public transportation is available. The following monthly rates will be paid if the participant must use a privately owned vehicle or pay someone for transportation: $30 Round trip transportation less than 10 miles per day; $45 Round trip transportation from 10 to 20 miles per day; and $60 Round trip transportation over 20 miles per day;
vii) child care;
viii) physical examinations prior to employment if required and not provided by the employer;
ix) other required items related to a specific job (maximum $300);
x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum $300). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone;
xi) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
xii) eyeglasses and dental services approved by the Department to alleviate barriers to employment.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

B) Initial Employment/Job Retention expenses shall not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
E) Initial Employment/Job Retention expenses are appropriate for the self employment of the individual when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider and other micro enterprise start ups likely to generate income.

8) Eyeglasses and Dental Procedures
Payment is allowed with Department approval for eyeglasses and dental procedures such as partial plates for participants with noticeably missing/malformed teeth or other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan.

9) Background Checks
Payment of fees for conviction background investigations is allowed when employers require a background check of their regular employees for the same type of job or work experience that is completed by the TANF participant. Criminal history record conviction information is obtainable by the public pursuant to the Uniform Conviction Information Act {20 ILCS 2635} and the Health Care Worker Background Check Act {225 ILCS 46}.

f) These allowances are exempt from consideration in determining the TANF grant amount.

g) Ancillary Supportive Services

1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed, to enable them to participate in the TANF work program:
A) vocational rehabilitation;
B) emergency intervention services;
C) substance abuse or domestic violence programs;
D) life skills training activities;
E) family planning/sex education;
F) parenting skills; and
G) family counseling.

2) Child care and transportation at the Department's established rates may be provided to enable TANF participants to receive ancillary supportive services if they also participate in a TANF employment and work activity.

3) Regarding emergency intervention services, TANF staff will refer the participant to the appropriate local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's Responsibility and Services Plan is made.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

7) Payment is permitted for:
   A) special clothing, e.g., uniforms, hard hats, outsize clothing, etc. (maximum $600 in any 12-month period);
   B) required tools which are not provided by the employer (maximum $600 in any 12-month period);
   C) repairs on an automoblile (maximum $900 in any 12-month period). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of transportation to and from employment or the Work and Training Activity. The client is unable to report to the employment or the Work and Training Activity unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in a TANF case);
   D) auto license plate fees;
   E) auto liability insurance at the cheapest rate but not to exceed $225 for three months coverage, whichever is less costly (can be issued three times in any 12-month period);
   F) other required items related to a specific job or work and training activity (maximum $900 in any 12-month period);
   G) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum $900 in any 12-month period). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone;
   H) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
   I) expenses appropriate for the self-employment of the individual or expenses for other micro enterprise start ups likely to generate income.
8) Eyeglasses and Dental Procedures
   Payment is allowed with Department approval for eyeglasses and dental procedures such as partial plates for participants with noticeable missing/malformed teeth or other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan and alleviate barriers to employment.
9) Background Checks
   Payment of fees for conviction background investigations is allowed when employers require a background check of their regular employees for the same type of job or work experience that is completed by the TANF participant. Criminal history record conviction information is obtainable by the public

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

   pursuant to the Uniform Conviction Information Act [20 ILCS 2635] and the Health Care Worker Background Check Act [225 ILCS 46].
10) Payment shall not be authorized to purchase firearms, pay bail bonds or traffic tickets.
11) Ancillary Supportive Services
   A) In addition to supportive service payments, as specified in subsection (b) of this Section, participants are eligible to receive the following ancillary supportive services, if needed, to enable them to participate in the TANF work program:
      i) vocational rehabilitation;
      ii) emergency intervention services;
      iii) substance abuse or domestic violence programs;
      iv) life skills training activities;
      v) family planning/sex education;
      vi) parenting skills; and
      vii) family counseling.
   B) Child care and transportation at the Department's established rates may be provided to enable TANF participants to receive ancillary supportive service if they also participate in a TANF employment and work activity.
   C) If emergency intervention services are needed, TANF staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's Responsibility and Services Plan is made.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Union Mortgage Corp., 1022 N. Ashland, Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 27, 1999.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

   Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1999. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. ***General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.*** (See 86 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings
(Not Included Above)
Administrative Review
Allocation
(For Alternative Apportionment Rulings, See that heading)
Alternative Apportionment
Amnesty
Apportionment
Property Factor
Sales Factor
Transportation Services
Other Rulings
(Not Included Above)
Assessment
Bankruptcy
Base Income
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Books and Records
Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Financial Organizations
Insurance Companies
Payroll Factor
(Also See Subtraction Modifications - Valuation Limitations)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensations
Composite Returns
Confidentiality
Credits
Coal Research and Utilization Credit for Replacement Tax Paid
Credit for Residential Real Property Taxes
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Replacement Tax Investment
Research and Development
Training Expense
Other Rulings
(Not Included Above)
Deficiencies
Definitions
Domestic International Sales Corporations (DISCs)
Elections: See Combined Unitary Return, Extensions, Unitary
Enterprise Zones
(Also See Credits, Subtraction Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Business Income
Capital Gains (Losses)
Farmers: See Estimated Tax
Federal Returns
Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
Forms
Fraud: See Penalties
Fringe Benefits
IRC S125 "Cafeteria Plans
IRC S401(k) Plans
Other Rulings (Not included (Above
Gain (Loss):See Capital Gains (Losses): Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
(Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC S338
Jeopardy: See Assessment
Judicial Review
Liens
Limited Liability Companies
Lottery
Military
(Also See Subtraction Modifications
Miscellaneous
Modification Addition: See Addition Modifications
Modification Subtraction: See Subtraction Modifications
Mutual Funds: See Subtraction Modifications

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
(Also See Base Income, Capital Gains (Losses), Combined Unitary Returns, Net Operating Loss and Net Operating Loss Deduction)
Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus
Nonbusiness income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Nuclear Decommissioning Trusts
Overpayments: See Refunds
Partnerships
Payments:
Payroll Factor: See Apportionment
Penalties
Failure to File (IITA S1001)
Failure to File Withholding Returns (IITA S1004)
Failure to Pay (IITA S1002)
Failure to Pay Estimated Tax (IITA S804)
Fraud (IITA S1002)
Reasonable Cause (IITA S1001)
Underpayment of Tax (IITA S1005)
Other Rulings
(Not Included Above)
Pensions
(Also See Subtraction Modifications)
Political Organizations
Professional Athletes
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Net Income (Loss) and Net Loss Deduction (IITA S207)
Other Rulings
(Not Included Above)
Regulated Investment Companies
Replacement Tax
(Also See Credits)
Requirements of Requests for General Information Letters
Requirements of Requests for Private Letter Rulings
Residency/Nonresidency
Returns
(For Combined Unitary Return and Composite Return Rulings, See Those Headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(Not Included Above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Apportionment
Signature
Specific Accounting
Statute of Limitations: See Assessment, Collection, Deficiencies
Refunds
Subtraction F Income: See Subtraction Modifications
Subtraction Modifications
Modifications
Subtraction Modifications
Bond Premium Amortization
Enterprise and Foreign Trade Zones
Illinois Tax Refund
Interest on U.S. Government Obligations

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute of Limitations
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Transportation Services
Valuation Limitation
Other Rulings (Not Included Above)
Taxability in Other States
Taxable year
Transferees (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
Transportation Services: See Apportionment
Trusts
Uniform Penalty and Interest Act
Military
Money Market Mutual Funds
Unitary (Also See Combined Unitary Return)
U.S. Government Obligations: See Subtraction Modifications
Valuation Limitation: See Subtraction Modifications
Voluntary Disclosure Agreements
Waiver on Assessments: See Assessment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts (IITA S1405.2)
Reciprocal Agreements
Other Rulings (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, and 1996 are available for $3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for $4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
217/782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - INTEREST

IT 99-0053-GIL 05/05/1999 General Information Letter: Portfolio interest income of a foreign corporation exempted from federal income taxation under IRC ? 881 is not subject to add-back under IITA Section 201(b)(a)(A). Activities of an independent contractor on behalf of a financial organization do not constitute management of securities by financial organization for purposes of IITA Section 304(c)(1)(A).

ALTERNATIVE APPORTIONMENT

IT 99-0004-PLR 03/02/1999 Private Letter Ruling: Request for alternative apportionment granted. (This letter was not previously indexed or included in a monthly report because the daily file copy was misfiled.)

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 99-0053-GIL 05/05/1999 General Information Letter: Portfolio interest income of a foreign corporation exempted from federal income taxation under IRC ^ 881 is not subject to add-back under IITA Section 201(b)(a)(A). Activities of an independent contractor on behalf of a financial organization do not constitute management of securities by financial organization for purposes of IITA Section 304(c)(1)(A).

IT 99-0056-GIL 05/20/1999 General Information Letter: Apportionment of income derived from purchases of automobile loans.

APPORTIONMENT - SALES FACTOR

IT 99-0040-GIL 04/05/1999 General Information Letter: Investment partnership with no property or employees in Illinois and whose only contact is through independent contractors has no "cost of performance" in Illinois for sales factor purposes.

BASE INCOME

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

IT 99-0041-GIL 04/06/1999 General Information Letter: Response to survey on Illinois income tax treatment of various federal exclusions and deductions.

IT 99-0044-GIL 04/13/1999 General Information Letter: Transportation fringe benefits excluded from employees' gross income is excluded from base income.

COMPENSATION

IT 99-0003-PLR 06/01/1999 Private Letter Ruling: Compensation paid to nonresident movie director/producer for period during which filming takes place in Illinois is not paid in Illinois because services are provided outside Illinois which are not incidental to services provided in Illinois, and neither the base of operations nor place of direction or control is within Illinois.

CREDITS -FOREIGN TAX

IT 99-0054-GIL 05/05/1999 General Information Letter: Computation of income subject to double taxation when taxpayer is a part-year resident.

DEFINITIONS

IT 99-0051-GIL 04/30/1999 General Information Letter: A "qualified settlement fund" is defined as a corporation under Section 468B of the Internal Revenue Code and is therefore a corporation for Illinois income tax purposes.

EXEMPT ORGANIZATIONS

IT 99-0042-GIL 04/06/1999 General Information Letter: Corporation exempt from tax under IRC Section 501(a) is exempt from Illinois income taxation except to the extent it has unrelated business taxable income.

IT 99-0047-GIL 04/19/1999 General Information Letter: Corporation exempt from tax under IRC Section 501(a) is exempt

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

from Illinois income taxation except to the extent it has unrelated business taxable income.

IT 99-0061-GIL 06/10/1999 General Information Letter: An employee stock ownership plan exempt from federal income taxation under IRC Section 501(a) is subject to Illinois income tax only if it has unrelated business taxable income.

INFORMATION REPORTS

IT 99-0045-GIL 04/14/1999 General Information Letter: Illinois statutes and regulations do not make provision for employers charging fees for duplicate copies of W-2s.

MISCELLANEOUS

IT 99-0055-GIL 05/17/1999 General Information Letter: Response to survey on taxation of mining activities.

PARTNERSHIPS

IT 99-0048-GIL 04/22/1999 General Information Letter: Partners include in net income their partnership share of the business income of the partnership as apportioned to Illinois by the partnership using its apportionment factors.

PENSIONS

IT 99-0059-GIL 06/08/1999 General Information Letter: Amounts included in adjusted gross income under IRC Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) or 408 may be subtracted in computing base income.

PUBLIC LAW 86-272/NEXUS

IT 99-0050-GIL 04/28/1999 General Information Letter: Payroll services corporation is not protected under Public Law 86-272.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

IT 99-0057-GIL 05/24/1999 General Information Letter: Illinois has adopted no express policy on the application of Geoffrey, Inc. v. South Carolina State Tax Commission.

IT 99-0058-GIL 05/24/1999 General Information Letter: Internet seller with employee working in Illinois is not protected from Illinois income taxation by the Internet Tax Freedom Act.

IT 99-0060-GIL 06/09/1999 General Information Letter: Based on the facts shown in the request, no ruling can be issued stating that the taxpayer has no nexus with Illinois.

IT 99-0063-GIL 06/18/1999 General Information Letter: Based on the facts shown in the request, no ruling can be issued stating that the taxpayer has no nexus with Illinois.

REFUNDS - OTHER RULINGS

IT 99-0046-GIL 04/19/1999 General Information Letter: Overpayment credited against subsequent year's estimated tax liability may only be refunded pursuant to a return or claim for refund for the subsequent year.

RETURNS - REQUIREMENTS TO FILE

IT 99-0052-GIL 05/04/1999 General Information Letter: A charitable remainder unitrust that has no Illinois income tax liability and that is not required to file a federal income tax return has no duty to file an Illinois income tax return.

IT 99-0065-GIL 06/30/1999 General Information Letter: Section 502 of the Illinois Income Tax Act provides the requirements for filing of returns by individuals.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 99-0039-GIL 04/05/1999 General Information Letter: In computing base income, no deduction is allowed to individual for theft loss taken as an itemized deduction for federal income tax purposes.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

IT 99-0062-GIL 06/15/1999 General Information Letter: Interest on obligations issued by the State of Illinois and its political subdivisions is subject to Illinois income tax unless expressly provided by statute.

WITHHOLDING - OTHER RULINGS

IT 99-0049-GIL 04/23/1999 General Information Letter: A relationship characterized as employer-employee for federal income tax withholding purposes is an employer-employee relationship for Illinois income tax withholding purposes.

IT 99-0064-GIL 06/21/1999 General Information Letter: No withholding of Illinois income tax is required from compensation paid to truck driver whose compensation is exempt from Illinois income tax under Public Law 101-322.

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 99-0043-GIL 04/08/1999 General Information Letter: Illinois has no reciprocal agreement with North Carolina.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1

2. Summary of information:

   Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1999. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

   Agents
   Agricultural Producers
     and Products
   Assessments
   Automobile Renting Tax
   Bingo
   Books and Records
   Bulk Sales
   C.O.A.D.
   Certificate of Registration
   Charitable Games
   Cigarette Tax
   Claims for Credit
   Coal Fueled Devices
   Coal Mining Equipment
   Coins & Precious Metals
   Computer Software

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

   Construction Contractors
   Cooperative Associations
   Delivery Charges
   Distillation Machinery
   Drug Tax Stamps
   Drugs
   Enterprise Zones
   Exempt Organizations
   Farm Machinery & Equipment
   Federal Excise Tax
   Financial Institutions
   Food
   Food, Drugs & Medical Appliances
   Governmental Bodies
   Graphic Arts
   Gross Receipts
   High Impact Business
   Hotel Operators' Tax
   Interest
   Interstate Commerce
   Itinerant Vendors
   Invested Capital Tax
   Leasing
   Liquor Tax
   Local Taxes
   Mandatory Service Charges
   Manufacturer's Purchase Credit
   Manufacturers
   Manufacturing Machinery
     & Equipment
   Medical Appliances
   Miscellanous
   Motor Fuel Tax
   Motor Vehicles
   Newsprint & Ink
   Nexus
   Nonprofit Institutions
   Occasional Sale
   Oil Field Equipment
   Penalties
   Pollution Control Facilities
   Prepaid Sales Tax
   Products of Photoprocessing
   Property Tax
   Public Utility Taxes
   Real Estate Transfer Tax
   Repairs
   Replacement Vehicle Tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Request for Information
Returns
Rolling Stock Exemption
Sale at Retail
Sale for Resale
Sale of Service
Service Occupation Tax
Signature
Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Tire User Fee
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50? per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
217/782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

AGENTS

ST 99-0185-GIL 05/26/1999 Auctioneers selling on behalf of undisclosed principals are responsible for Retailers' Occupation Tax on the gross receipts from the sales. However, if auctioneers act on behalf of known or disclosed principals, the sale of tangible personal property is taxable to the principals and not the auctioneers if the principals are retailers of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1915. (This is a GIL).

AUTOMOBILE RENTING TAX

ST 99-0128-GIL 04/22/1999 The rental of sport utility vehicles may be subject to tax under the Automobile Renting Occupation and Use Tax Act depending upon how they are registered by the Secretary of State's Office. See 35 ILCS 155/2. (This is a GIL).

CERTIFICATE OF REGISTRATION

ST 99-0125-GIL 04/21/1999 Section 2a of the Retailers' Occupation Tax Act provides the requirements in order to obtain a Certificate of Registration. See 86 Ill. Adm. Code 130.701. (This is a GIL).

ST 99-0148-GIL 05/06/1999 The requirement that Form NUC-1, Illinois Business Registration, be signed by an individual who will be responsible for filing returns and payment of taxes due (Question 14 of Section 2) stems from Section 2a of the Retailers' Occupation Tax Act. The provision ensures that the Department be able to identify those persons who are responsible for filing returns and paying taxes. By signing Form NUC-1, these persons do not become personal guarantors of a corporation's tax liability under all circumstances. It is only if those persons are found to have willfully failed to file returns or pay taxes that they can be held personally liable for amounts equal to the tax plus penalties and interest. (This is a GIL).

ST 99-0181-GIL 05/24/1999 This letter discusses Illinois Business

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Tax numbers. See 35 ILCS 120/2. (This is a GIL).

CIGARETTE TAX

ST 99-0186-GIL 05/27/1999 Cigarettes are taxed in Illinois under the Cigarette Tax Act ("Act") at the rate of 29 mills per cigarette, or 58 cents per 20-count package, through a system utilizing stamps that are affixed to the cigarette package. See, 86 Ill. Adm. Code 440.20 (This is a GIL).

CLAIMS FOR CREDIT

ST 99-0183-GIL 05/25/1999 No credit for Retailers' Occupation Tax may be allowed or refund made for any amount paid by or collected from any claimant unless it appears that the claimant has borne the burden of the tax erroneously paid or the claimant has unconditionally repaid the amount of the tax to the vendee from whom it was collected. See the enclosed copy of 86 Ill. Adm. Code 130.1501. (This is a GIL).

ST 99-0191-GIL 06/08/1999 In order to submit claims for credit, taxpayers must first establish that they have either borne the burden of the tax or that they have unconditionally repaid the amount of tax to the vendees from whom they have collected the tax. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

ST 99-0200-GIL 06/22/1999 Claims for credit must include the information required under 86 Ill. Adm. Code 130.1501 (b). (This is a GIL).

COMPUTER SOFTWARE

ST 99-0017-PLR 04/23/1999 Licenses that meet the requirements set forth at 86 Ill. Adm. Code 130.1935(a)(1)(A-E) constitute nontaxable licenses of software. (This is a PLR).

ST 99-0129-GIL 04/23/1999 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ST 99-0174-GIL 05/18/1999 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

ST 99-0196-GIL 06/14/1999 Transactions for the licensing of computer software may not be subject to ROT if the licensing agreements contain all the criteria set out in 86 Ill. Adm. Code 130.1935(a)(1). (This is a GIL).

ST 99-0199-GIL 06/22/1999 In general, maintenance agreements that cover computer software and hardware are treated the same as maintenance agreements for other types of tangible personal property. The taxability of maintenance agreements depends upon if the charges for the agreements are included in the selling price of the tangible personal property. If the charges for the agreements are included in the selling price of the tangible personal property, those charges are part of the gross receipts of the retail transaction and are subject to tax. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

CONSTRUCTION CONTRACTORS

ST 99-0139-GIL 04/26/1999 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL).

ST 99-0152-GIL 05/06/1999 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL).

ST 99-0154-GIL 05/06/1999 In Illinois, construction contractors are

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL).

ST 99-0165-GIL 05/17/1999 Persons who permanently affix tangible personal property to real estate, thereby making improvements to real estate, are considered to be construction contractors. In Illinois, construction contractors are deemed to be the users of the items that they permanently affix to realty and owe Use Tax on the cost price of the tangible personal property that they so affix to real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL).

ELECTRICITY EXCISE TAX

ST 99-0021-PLR 05/06/1999 The Electricity Excise Tax is imposed upon the privilege of using electricity in Illinois which is purchased for use or consumption and not for resale, other than by municipal corporations owning and operating a local transportation system for public service. (This is a PLR).

ENTERPRISE ZONES

ST 99-0182-GIL 05/24/1999 The enterprise zone exemption allows retailers located in the municipality or unincorporated area of a county that has established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL).

EXEMPT ORGANIZATIONS

ST 99-0015-PLR 04/23/1999 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable receive an exemption identification number ("E" number). See 86

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Ill. Adm. Code 130.2007. (This is a PLR).

ST 99-0124-GIL 04/07/1999 Federally-chartered credit unions do not incur Use Tax liability when making purchases of tangible personal property for use or consumption. (See 12 U.S.C. 1768.) Retailers making sales of tangible personal property to Federal credit unions are not able to reimburse themselves for the Retailers' Occupation Tax they incur as a result of making such sales by collecting the reimbursing Use Tax. Nonetheless, retailers making sales of tangible personal property to Federal credit unions do incur Retailers' Occupation Tax liability on their gross receipts from such sales." See 86 Ill. Adm. Code 130.2085. (This is a GIL).

ST 99-0131-GIL 04/23/1999 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable receive a tax exemption identification number ("E" number). See 86 Ill. Adm. Code 130.2005. (This is a GIL).

ST 99-0147-GIL 05/06/1999 Please be advised retail sales made to Medicare and Medicaid are exempt from tax as sales to a government body so long as the exemption is properly documented. See 86 Ill. Adm. Code 130.2080 (a). (This is a GIL).

ST 99-0167-GIL 05/17/1999 Organizations that make application to the Department of Revenue and are determined to be exclusively religious, educational, or charitable, receive an exemption identification number (an "E" number). See 86 Ill. Adm. Code 130.2007. (This is a GIL).

ST 99-0168-GIL 05/17/1999 Organizations that make application to the Department and are determined to be exclusively charitable, religious, or educational receive a tax exemption identification number ("E" number). Organizations that have secured tax exemption identification numbers from the Department are exempt from Use Tax when purchasing tangible personal property for use in furtherance of organizational purposes, and retailers do not incur Retailers' Occupation Tax on such sales. See 86 Ill. Adm. Code 130.2007. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

FARM MACHINERY & EQUIPMENT

ST 99-0126-GIL 04/21/1999 The Retailers' Occupation Tax does not apply to farm machinery and equipment that is used or leased for use primarily (over 50% of the time) in production agriculture or for use in State or federal agricultural programs. See 86 Ill. Adm. Code 130.305. (This is a GIL).

ST 99-0150-GIL 05/06/1999 The farm machinery and equipment exemption can include machinery and equipment used primarily in floriculture or horticulture. See 86 Ill. Adm. Code 130.305(b-d). (This is a GIL).

ST 99-0180-GIL 05/24/1999 The farm machinery and equipment exemption does not extend to propane or other fuel used to power such machinery or equipment. Therefore, sales of propane are subject to Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.305. (This is a GIL).

FOOD

ST 99-0156-GIL 05/06/1999 In order for a fruit drink to qualify for the reduced rate of tax, it must contain 50% or more natural fruit juice. See 86 Ill. Adm. Code 130.310. (This is a GIL).

ST 99-0192-GIL 06/10/1999 As a general proposition, the Department considers dietary supplements to fall within the definition of food. See 86 Ill. Adm. Code 130.310. (This is a GIL).

ST 99-0193-GIL 06/11/1999 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. Retailers who provide seating or facilities for on-premises consumption of food generally incur tax at the high rate on all food sales (including bulk or grocery type items). However, if establishments sell both food that has been prepared for immediate consumption and bulk or grocery type items and also provide facilities for on-premises consumption, the lower rate of tax may be

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

charged on the bulk or grocery type items only if the dining facilities are physically partitioned from the area where food not for immediate consumption is sold and these facilities utilize a separate means of collection of receipts. See 86 Ill. Adm. Code 130.310. (This is a GIL).

GRAPHIC ARTS

ST 99-0130-GIL 04/23/1999 Photographers are subject to Retailers' Occupation Tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. See 86 Ill. Adm. Code 130.2000. (This is a GIL).

ST 99-0164-GIL 05/13/1999 Photocopiers are specifically excluded from the graphic arts machinery and equipment exemption and their sales are subject to Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.325(c)(4)(E). (This is a GIL).

GROSS RECEIPTS

ST 99-0022-PLR 05/11/1999 Service charges for seaming or beveling glass are costs of doing business that are not excludable from gross receipts subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.410. (This is a PLR.)

ST 99-0188-GIL 06/02/1999 Charges for shipping are gross receipts subject to ROT when they are part of the selling price of the tangible personal property being sold. See, 86 Ill. Adm. Code 130.415. (This is a GIL).

HOTEL OPERATORS' TAX

ST 99-0135-GIL 04/23/1999 "Hotel" is define in the Hotel Operators' Occupation Tax Act as any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. See the enclosed copy of 86 Ill. Adm. Code 480.101 et seq. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ST 99-0197-GIL 06/15/1999 The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel. 86 Ill. Adm. Code 480.101. (This is a GIL).

INTERSTATE COMMERCE

ST 99-0177-GIL 05/19/1999 Gross receipts from a sale in which the seller is obligated, under the terms of an agreement with the purchaser, to make delivery of the property from a point in this State to a point outside this State, not to be returned to this State, provided that such delivery is actually made, are not subject to tax. See 86 Ill. Adm. Code 130.605. (This is a GIL).

LEASING

ST 99-0169-GIL 05/17/1999 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220. (This is a GIL).

ST 99-0203-GIL 06/22/1999 In Illinois, lessors of automobiles under true leases for periods in excess of one year owe Use Tax 'up-front" when they purchase motor vehicles for leasing purposes. (This is a GIL).

ST 99-0206-GIL 06/25/1999 In Illinois, lessors of tangible personal property are deemed end users of the leased property. See 86 Ill. Adm. Code 130.2010. (This is a GIL).

ST 99-0207-GIL 06/25/1999 In Illinois, lessors of tangible personal property under true leases in Illinois are deemed end users of the leased property. See 86 Ill. Adm. Code 130.2010. (This is a GIL).

LOCAL TAXES

ST 99-0019-PLR 05/04/1999 Local taxes are triggered when "selling" occurs in a jurisdiction imposing a tax. See 86 Ill.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

Adm. Code 270.115. (This is a PLR).

ST 99-0194-GIL 06/11/1999 The Home Rule Municipal Retailers' Occupation Tax provides authority to home rule municipalities to impose only one Home Rule Municipal Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the municipality. The Act makes no provision for creating special service districts within the home rule municipality wherein different tax rates could be imposed. (This is a GIL).

ST 99-0201-GIL 06/22/1999 Retail sales of soft drinks to airlines in CITY are subject to the Home Rule Municipal Soft Drink Retailers' Occupation Tax, in addition to the State Retailers' Occupation Tax and Use Tax. See 65 ILCS 5/8-11-6b (1996 State Bar Edition). (This is a GIL).

MANUFACTURER'S PURCHASE CREDIT

ST 99-0020-PLR 05/06/1999 The Manufacturer's Purchase Credit (MPC) may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying "production related" tangible personal property. See 86 Ill. Adm. Code 130.331(b). (This is a PLR).

ST 99-0024-PLR 06/08/1999 Retailers of motor fuel or gasohol who have accepted MPC from their customers may not transfer that MPC to their suppliers or distributors to satisfy prepaid Retailers' Occupation Tax liabilities. See generally 86 Ill. Adm. Code 130.331. (This is a PLR).

ST 99-0159-GIL 05/06/1999 Purchasers who did not pay the appropriate amount of Use Tax or Service Use Tax liability to their suppliers on qualifying purchases of production related tangible personal property and want to utilize accumulated MPC to satisfy that liability, should report the use of that MPC both on Form ST-17 and on line 16(a) of Form ST-1. See 86 Ill. Adm. Code 130.331. (This is a GIL).

MANUFACTURING MACHINERY & EQUIPMENT

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ST 99-0142-GIL 04/30/1999 The Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL).

ST 99-0160-GIL 05/07/1999 In general, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily (over 50%) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL).

ST 99-0190-GIL 06/07/1999 This letter discusses the application of the Manufacturing Machinery and Equipment exemption to paint mixing machines. See 86 Ill. Adm. Code 130.330. (This is a GIL).

ST 99-0195-GIL 06/14/1999 In general, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of

MEDICAL APPLIANCES

ST 99-0146-GIL 05/06/1999 Medicines and medical appliances are not taxed at the normal rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 99-0178-GIL 05/19/1999 A medical appliance that qualifies for the low rate of tax is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See the enclosed copy of 86 Ill. Adm. Code 130.310. (This is a GIL).

MISCELLANEOUS

ST 99-0122-GIL 04/06/1999 Discusses various issues pertaining to corporate purchasing cards, sales tax reporting and audits. See 35 ILCS 105/1 et seq. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ST 99-0127-GIL 04/22/1999 This letter answers questions about Certificates of Resale and exemption identification ("E") numbers. See 86 Ill. Adm. Code Sections 130.1405 and 130.2007. (This is a GIL).

ST 99-0143-GIL 04/30/1999 This letter reviews sales and use tax information in a mining publication. (This is a GIL).

ST 99-0149-GIL 05/06/1999 Each of the laws that make up what is commonly called the Illinois sales tax has a section that explains the distribution of the tax. See, for example, 35 ILCS 120/3. (This is a GIL).

ST 99-0163-GIL 05/12/1999 This letter discusses taxpayers' rights regarding Notices of Tax Liability and issues relating to home rule sales taxes. See the Retailers' Occupation Tax Act, 35 ILCS 120/1 et seq., the Taxpayers' Bill of Rights Act, 20 ILCS 2520/1 et seq., the Home Rule Municipal Retailers' Occupation Tax Act, 65 ILCS 5/8-11-1, and the Department's regulations regarding sales in interstate commerce at 86 Ill. Adm. Code 130.605. (This is a GIL).

ST 99-0175-GIL 05/18/1999 This letter rescinds a prior letter ruling (87-0479) regarding the taxability of Toluene under the Motor Fuel Tax Law. (This is a GIL).

ST 99-0176-GIL 05/19/1999 This letter responds to a taxpayer's attorney concerning a letter that was allegedly sent by the taxpayer. (This is a GIL).

ST 99-0202-GIL 06/22/1999 Section 3 of the Retailers' Occupation Tax, 35 ILCS 120/3 (1996 State Bar Edition) states that if a taxpayer's average monthly tax liability to the Department was $10,000 or more during the preceding 4 complete calendar quarters, the taxpayer is required to make payments to the Department on or before the 7th, 15th, 22nd and last day of the month. (This is a GIL).

ST 99-0204-GIL 06/25/1999 Before a Private Letter Ruling can be issued, all of the requirements of 2 Ill. Adm. Code 1200.120(b) and (c) must be met. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

MOTOR FUEL TAX

ST 99-0161-GIL 05/10/1999 Section 13a.8 of the Motor Fuel Tax Law, 35 ILCS 505/13a.8, allows licensed receivers to file claims for credit. These provisions, however, do not apply to unlicensed receivers. (This is a GIL).

NEXUS

ST 99-0132-GIL 04/23/1999 Determinations regarding nexus are very fact specific and cannot be addressed in the context of a General Information Letter. See generally the enclosed copy of 86 Ill. Adm. Code 130.605. (This is a GIL).

ST 99-0155-GIL 05/06/1999 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i), is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801, enclosed. (This is a GIL).

ST 99-0157-GIL 05/06/1999 An Illinois retailer is one who either accepts purchase orders in the State of Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. The Illinois retailer is liable for Retailers' Occupation Tax on gross receipts from sales and must collect the corresponding Use Tax incurred by purchasers. (This is a GIL).

ST 99-0170-GIL 05/17/1999 An Illinois retailer is one who either accepts purchase orders in the State of Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. The Illinois retailer is liable for Retailers' Occupation Tax on gross receipts from sales and must collect the corresponding Use Tax incurred by purchasers. (This is a GIL).

ST 99-0179-GIL 05/20/1999 A "retailer maintaining a place of business in Illinois", as described in 86 Ill. Adm. Code 150.201(i), is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

ST 99-0184-GIL 05/25/1999 An Illinois retailer is one who either accepts purchase orders in the State of Illinois or maintains an inventory in Illinois and fills Illinois orders from that inventory. The Illinois retailer is liable for Retailers' Occupation Tax on gross receipts from sales and must collect the corresponding Use Tax incurred by purchasers. (This is a GIL).

OCCASIONAL SALE

ST 99-0018-PLR 05/04/1999 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

ST 99-0162-GIL 05/11/1999 When persons sell tangible personal property which they are not otherwise engaged in selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 99-0023-PLR 05/24/1999 This letter advises whether some of the equipment used at a landfill qualifies for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a PLR.)

ST 99-0136-GIL 04/23/1999 Sales of tangible personal property that qualify as pollution control facilities are exempt from Retailers' Occupation Tax liability. See the enclosed copy of 86 Ill. Adm. Code 130.335. (This is a GIL).

PREPAID SALES TAX

ST 99-0187-GIL 05/28/1999 The provisions of Section 2d of the Retailers' Occupation Tax require "any person engaged in the business of selling motor fuel at retail ... and who is not a licensed distributor or supplier ... [to] prepay to his or her distributor,

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

supplier, or other reseller of motor fuel a portion of the tax imposed by this Act if the distributor, supplier, or other reseller of motor fuel is registered. (This is a GIL).

PUBLIC UTILITY TAXES

ST 99-0123-GIL 04/06/1999 This letter discusses the definition of "taxpayer" under the Public Utilities Revenue Act. (This is a GIL).

ST 99-0137-GIL 04/23/1999 Taxpayers under the Electricity Excise Tax that have chosen to become self-assessing purchasers may choose which accounts to self-assess electricity excise tax. See 35 ILCS 640/2-1 et seq. (This is a GIL).

ST 99-0138-GIL 04/23/1999 Electricity Excise Tax is imposed on self-assessing purchasers at the rate of 5.1% of the self-assessing purchaser's purchase price for all electricity distributed, supplied, furnished, sold, transmitted and delivered to the self-assessing purchaser in a month. See, 35 ILCS 640/2-4. (This is a GIL).

ST 99-0153-GIL 05/06/1999 The Electricity Excise Tax Law, 35 ILCS 640/1 et seq., imposes a tax on the privilege of using in Illinois, electricity purchased for use or consumption and not for resale. (This is a GIL).

ST 99-0171-GIL 05/17/1999 If equipment is leased or rented by a self-assessing purchaser from a delivering supplier and that equipment is necessary for furnishing, supplying, or selling electricity, the rental or lease charges for that equipment is part of the purchase price of electricity subject to Electricity Excise Tax liability. See 35 ILCS 640/2-3(d). (This is a GIL).

SALE AT RETAIL

ST 99-0016-PLR 04/23/1999 "Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use or

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

consumption, and not for the purpose of resale in any form as tangible personal property to the extent not first subject to a use for which it was purchased, for a valuable consideration. See 86 Ill. Adm. Code 130.201. (This is a PLR).

ST 99-0158-GIL 05/06/1999 Illinois retail sales are made by persons who either accept purchase orders in the State or maintain an inventory in Illinois and fill Illinois orders from that inventory. The Illinois retailer is then liable for Retailers' Occupation Tax on gross receipts of sales and must collect the corresponding Use Tax incurred by purchasers. See 86 Ill. Adm. Code 130.605(a). (This is a GIL).

SALE FOR RESALE

ST 99-0133-GIL 04/23/1999 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the wherewithal to provide suppliers with Certificates of Resale when purchasing items which will be resold. See the enclosed copy of 86 Ill. Adm. Code 130.1415. (This is a GIL).

ST 99-0144-GIL 03/10/1999 Certificates of Resale must contain the information set forth in 86 Ill. Adm. Code 130.1405. (This is a GIL).

ST 99-0173-GIL 05/18/1999 In order to document the fact that their sales are sales for resale, retailers are obligated to obtain valid Certificates of Resale from their purchasers. See 86 Ill. Adm. Code 130.1405. (This is a GIL).

ST 99-0198-GIL 06/22/1999 A Certificate of Resale must contain the items of information set out at 86 Ill. Adm. Code 130.1405(b). (This is a GIL).

SERVICE OCCUPATION TAX

ST 99-0205-GIL 06/25/1999 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

TAX INCREMENT FINANCING

ST 99-0172-GIL 05/17/1999 There are no provisions in the Tax Increment Allocation Redevelopment Act for municipal investigations and audits to be conducted by the Department of Revenue. See 65 ILCS 5/11-74.4-8a. (This is a GIL).

TELECOMMUNICATIONS EXCISE TAX

ST 99-0145-GIL 05/03/1999 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code Part 495. (This is a GIL).

ST 99-0166-GIL 05/17/1999 Generally, persons who provide subscribers access to the internet and who do not, as part of that service, charge subscribers for the line or other transmission charges that are used to obtain access to the internet are not considered to be telecommunications retailers from these activities. (This is a GIL).

ST 99-0189-GIL 06/02/1999 Generally, persons who charge subscribers for access to a specific internet web site and who do not, as part of that service, charge for the line or other transmission charges that are used to obtain access to the internet or that specific internet web site are not considered to be telecommunications retailers from these activities. See 86 Ill. Adm. Code 495.100. (This is a GIL).

ST 99-0209-GIL 06/25/1999 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495. (This is a GIL).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1999 SECOND QUARTER SUNSHINE INDEX

USE TAX

ST 99-0134-GIL 04/23/1999 The Use Tax is a tax imposed on the privilege of using, in this State, any kind of tangible personal property that is purchased anywhere at retail from a retailer. The Use Tax Act provides that in order to prevent actual or likely multistate taxation, the Use Tax does not apply to the use of tangible personal property in this State of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state. See 86 Ill. Adm. Code 150.310. (This is a GIL.)

ST 99-0140-GIL 04/27/1999 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation. See 86 Ill. Adm. Code 150.515. (This is a GIL).

ST 99-0141-GIL 04/27/1999 It is a Class A misdemeanor for a retailer to advertise that he will assume or absorb the sales tax on a purchase or that the sales tax will not be added to the selling price of the property sold. See 86 Ill. Adm. Code 150.515. (This is a GIL).

ST 99-0208-GIL 06/25/1999 An advertisement by a business stating it will pay the customer's sales tax violates the provisions of Section 7 of the Use Tax Act (35 ILCS 105/7). (This is a GIL).

VEHICLE USE TAX

ST 99-0151-GIL 05/06/1999 Article X of the Illinois Vehicle Code imposes a tax on the privilege of using a motor vehicle in this State that is acquired by gift, transfer, or purchase. 625 ILCS 5/3-1001 (1996 State Bar Edition). (This is a GIL).

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)

1) Rulemaking:

A) Description: Rules relating to continuing education (CE) will be amended.

B) Statutory Authority: [225 ILCS 5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed athletic trainers will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1370)

1) Rulemaking:

A) Description: Rules will be rewritten to bring them up to date with the changes contained in Public Act 91-408, including setting fees by rule.

B) Statutory Authority: [225 ILCS 105]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Boxers, wrestlers, their promoters, referees and other individuals associated with this industry could be affected.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule. Ethical standards for this industry will also be proposed.

B) Statutory Authority: [225 ILCS 425]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)

1) Rulemaking:

A) Description: These rules will be amended to provide for the issuance of mid-level practitioner controlled substance licenses in accordance with Public Act 90-818.

B) Statutory Authority: [225 ILCS 425]

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations:

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

A) Description: Obsolete provisions will be deleted and various sections will be amended to provide consistency throughout the Act and Rules.

B) Statutory Authority: [225 ILCS 107]

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors and licensed clinical professional counselors will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

1) Rulemaking:

A) Description: Various sections may be amended to provide consistency throughout the Act and Rules.

B) Statutory Authority: [225 ILCS 25]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dentists and dental hygienists may be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Detection of Deception Examiner Act (68 Ill. Adm. Code 1230)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 430]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed detection of deception examiners and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 446]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not fo profit corporations: Licensed private detectives, securit contractors, alarm contractors and locksmiths, thei agencies and their employees and applicants for licensure under this Act will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Dietetic and Nutrition ServicesPractice Act (68 Ill. Adm. Code 1245)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 30]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dietitians and nutrition counselors and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

j) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule. Also, this Part will be clarified to define "direct supervision".

B) Statutory Authority: [225 ILCS 37]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed environmental health practitioners and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

k) Part(s) (Heading and Code Citation): Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)

1) Rulemaking:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 41]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed funeral directors and embalmers and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

l) Part(s) (Heading and Code Citation): Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)

1) Rulemaking:

A) Description: In accordance with Public Act 91-255, the Sunset reauthorization of the Act, various Sections will be amended to address inconsistencies and technical problems, including setting licensure and renewal fees by rule.

B) Statutory Authority: [225 ILCS 315]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed landscape architects and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

m) Part(s) (Heading and Code Citation): Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)

1) Rulemaking:

A) Description: The Marriage and Family Therapy Rules will be updated to provide for the licensure of Associates, in accordance with Public Act 91-362.

B) Statutory Authority: [225 ILCS 55]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed marriage and family therapists and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

n) Part(s) (Heading and Code Citation): Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: Various Sections will be amended to address vision screening tests and registration of out-of-state contact lense providers as a result of Public Acts 91-141 and 91-421.

B) Statutory Authority: [225 ILCS 80]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on eye care businesses are yet to be determined.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

o) Part(s) (Heading and Code Citation): Physical Therapy Licensing Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 90]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists, physical therapy assistants, and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

p) Part(s) (Heading and Code Citation): Physician Assistant Practice Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

A) Description: The Physician Assistant Rules will be updated to provide for prescriptive authority and the issuance of mid-level practitioner controlled substance licenses, in accordance with the Act.

B) Statutory Authority: [225 ILCS 95]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physician assistants will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

q) Part(s) (Heading and Code Citation): Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)

1) Rulemaking:

A) Description: Various sections may be amended to provide consistency throughout the Act and Rules.

B) Statutory Authority: [225 ILCS 15]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on businesses providing the services of clinical psychologists are yet to be determined.

F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

r) Part(s) (Heading and Code Citation): Public Accounting Act (68 Ill. Adm. Code 1420 and 1430)

1) Rulemaking:

A) Description: The Professional Conduct rules are being updated. Continuing education changes also will be addressed.

B) Statutory Authority: [225 ILCS 450]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Registered public accountants will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

s) Part(s) (Heading and Code Citation): The Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 106]

C) Schedule meeting/hearing date: No hearings or meetings

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed respiratory care practitioners and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

t) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500 and 1505)

1) Rulemaking:

A) Description: In accordance with Public Act 91-454, licensure and renewal fees will be set by rule.

B) Statutory Authority: [225 ILCS 115]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Fall 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and veterinary technicians and applicants for licensure will be affected.

F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

a) Part: Practice in Administrative Hearings (89 Ill. Adm. Code 104)

1) Rulemaking:

A) Description: The Department intends to add provisions to the rules regarding administrative liens on real and personal property to provide a process for unobligated joint owners of such property to protect their interests by requesting a hearing with the Department. These amendments regarding administrative liens on real and personal property will affect rules concerning collection of child support in Part 160 and related hearing rules in Part 104.

B) Statutory Authority: Sections 10-25, 10-25.5 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-25, 10-25.5 and12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East,
Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

b) Part: Medical Assistance Programs (89 Ill. Adm. Code 120)

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

1) Rulemaking: Change policy on not allowing guardianship fees for AABD MAG and MANG clients. Revise rules to reflect Section 4731 of the Balanced Budget Act of 1997 which provides for continuous Medicaid eligibility for children under the age of 19 years.

A) Description: The Department intends to propose changes to the policy on guardianship fees for AABD MAG and MANG clients. These changes would allow the Department to recognize court-ordered guardianship fees from the client's income or assets. For institutionalized persons, this would be accomplished by increasing the personal allowance. For all others, the fees would be an allowable deduction from income. Current policy prohibits deductions from the income of MANG clients, or allowances for MAG clients for any fees or costs related to guardianship. Amendments are also planned that will apply only to persons under the age of 19 years. After eligibility for medical assistance has been determined, or redetermined, eligibility will continue for a period of 12 months regardless of any change in circumstances except when a person reaches the age of 19 years, or is no longer an Illinois resident or becomes incarcerated.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 4731 of the Balanced Budget Act of 1997

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

201 South Grand Avenue East,
Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

c) Part: Children's Health Insurance Program (89 Ill. Adm. Code 125)

1) Rulemaking:

A) Description: The Department plans to propose clarifications on the application of several of the rules concerning the Children's Health Insurance Program based on experiences in the first year of operation, particularly with respect to the failure to pay premiums or repay rebate overpayments. The Department plans to revise rules to make it easier for children to switch between the various programs established under this Part and also to revise the methodology for calculating rebate amounts.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Sections 15 and 20 of the Children's Health Insurance Program Act [215 ILCS 106/15 and 20]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East,

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

d) Part: Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking: Amend rules to demonstrate the combining of Model Waiver I and Model Waiver II under one waiver and add new provisions to include personal assistance services in the Home and Community Based Services (HCBS) Waivers for medically fragile, technology dependent, disabled persons under age 21 years. Delete the requirement that uses the date of the physician certification as a Medicaid begin date option for long term care payment. Update and clarify cost reporting requirements for long term care facilities. Eliminate provisions for annual resident review. Amend provisions relating to ICF/MR facilities. Add provisions to better manage admissions of persons with mental illness to nursing facilities through the screening process. Clarify coverage of private automobiles as medical transportation. Add provisions to incorporate Illinois State Board of Pharmacy requirements. Clarify requirements for documentation regarding drugs returned to the pharmacy. Establish a policy that pharmacies must require a signature at the time a Medicaid prescription is picked up. Continue phased in implementation of the Recipient Eligibility Verification system. Add provisions on audit responses and reaudits. Define prohibited marketing activities and the Department's responsibility for approving marketing plans. Implement a process for the registration, credentialing, rejection, termination and reinstatement of marketing representatives.

A) Description: The Department intends to update the rules concerning waiver programs to reflect that the two HCBS waivers have been combined under one waiver. The Department has also determined that the rules should be amended to include personal assistance services in the HCBS waivers to provide a more consistent service level within the childrens' waiver and the physical disabilities waiver for persons up to age 59 years. Because the childrens' waiver does not currently have personal assistance services, transition to the physical disabilities waiver after the age of 21 years is difficult. Addition of personal assistance services into the childrens' waiver will allow a smoother transition into adulthood and increased independence for waiver participants. The Department anticipates rulemaking to delete the date when physician certification requirements are met as an option for initiating Medicaid payments for long term care. Although the date of the physician certification will not be used to begin long term care payment, the completion of a physician

certification will be required prior to authorization of Medicaid payment pursuant to federal regulations (42 CFR 456.360). The Department plans to review all rules regarding cost reporting and allowable costs for long term care facilities. These rules will be updated and clarified as appropriate. The Department does not plan to implement significant changes in policy. The Department anticipates rulemaking as a result of Public Law 104-315 that deleted annual resident review as a federal requirement. As one of the final steps under Public Act 87-996 in the transfer of responsibility for administering programs for persons with developmental disabilities (including Medicaid funded intermediate care facilities (ICF/MR)), from the Department to the Department of Human Services (DHS) (formerly Department of Mental Health and Developmental Disabilities), DHS will adopt its own rules relating to ICF/MR facility services and responsibilities. Rules relating to ICF/MR facilities currently under the Department of Public Aid will be amended accordingly. The Department plans to add a provision to better manage admissions of persons with mental illness to nursing facilities through the screening process. These provisions will address the need for an assessment to determine a person's history of high-risk behaviors, including aggression and other potentially dangerous behaviors to help insure that the nursing facility is capable of meeting the needs of a person with such a history. Amendments to clarify the coverage of private automobiles as a means of transportation to a medical service are planned by the Department. Current rules do not provide any criteria for enrolling private automobiles as providers of service. The Department will propose that reimbursement for transportation by private automobiles should be limited to continuous services or a chronic medical condition rather than an occasional appointment. The Department plans to propose changes to the administrative rules to incorporate the Illinois State Board of Pharmacy requirements, for the practice of pharmacy in Illinois. Incorporating these requirements is necessary because the Health Care Financing Administration holds the Department responsible for monitoring compliance for Medicaid recipients. The language for the rules of the Department of Professional Regulation reflects the federal regulations. The Department plans to propose amendments so that every drug returned to a pharmacy by a nursing home must be credited back to the Department unless there is acceptable documentation that the drug was destroyed within 72 hours of being returned. Failure to provide this credit will be possible grounds for termination or other action. Amendments are planned to establish a policy regarding client signatures at the time of prescription pick up. Pharmacies will be required to maintain a signature log showing the signature of the recipient or the responsible party acting on the recipient's behalf who picked up each prescription. The log

will not need to be separate from the logs required by other payers but must contain information sufficient to permit the prescription to be identified within the Department's payment files. The Department plans to incorporate technological enhancements into the REV system to improve medical provider response to the REV system. Additionally, the definition of high volume providers will be determined. In accordance with Public Act 88-554, all medical providers defined as "high volume" must participate in the REV Program. The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to the audit findings and provide additional documentation for reaudit, and to provide that only one reaudit will be conducted, and if response is not received, the matter will be referred for administrative hearing to recover the amounts sought. Certain marketing activities are prohibited by State and federal law. These activities include unsolicited door-to-door or cold call marketing and marketing at Department offices or Department of Human Services offices. The Department is further required to establish guidelines for approving marketing plans submitted by managed care entities. The guidelines must include the stated prohibitions as well as criteria for offering gifts, favors or inducements to enroll in a managed care plan. The Department will also propose a process for the registration, credentialing, rejection, termination and reinstatement of marketing representatives and supervisors.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not For Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524 0081

G) Related Rulemakings and Other Pertinent Information: None

e) Part: Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)

1) Rulemaking:

A) Description: The Department intends to amend provisions relating to intermediate care facilities for persons with developmental disabilities (ICF/MR). As one of the final steps under Public Act 87-996 in the transfer of responsibility for administering programs for persons with developmental disabilities (including Medicaid funded ICFs/MR), from the Department to the Department of Human services, DHS will adopt its own rules relating to ICF/MR services and responsibilities. Rules relating to ICF/MR facilities currently under the Department of Public Aid will be amended accordingly.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not For Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not for profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

F) Agency Contact Person for Information:

Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524 0081

G) Related Rulemakings and Other Pertinent Information: None

f) Part: Hospital Services (89 Ill. Adm. Code 148)

1) Rulemaking: Amend the payment methodology for Critical Hospital Access Payments. Amend the payment methodology for children's hospitals under Pediatric Inpatient Adjustment Payments.

A) Description: The Department anticipates rulemaking to amend the payment methodology for Critical Hospital Access Payments (CHAP) by sunsetting the direct hospital adjustment (DHA) components of the CHAP program and the Supplemental CHAP program, effective September 30, 1999, and replacing both with a new quarterly payment that will be effective from October 1, 1999, through June 30, 2000. The entire CHAP program will sunset on June 30, 2000. The purpose of these changes is to direct additional funding to hospitals that are providing a high volume of medical care to the State's Medicaid and uninsured populations. By helping to offset the costs of the hospital's uncompensated care, the program will insure that the State's neediest individuals continue to have access to quality health care services. The Department also anticipates rulemaking to amend the payment methodology for children's hospitals under Pediatric Inpatient Adjustment Payments by creating a new quarterly payment methodology. The new adjustment payment will be effective October 1, 1999, through June 30, 2000. The purpose of these changes is to insure that chronically ill children continue to receive access to appropriate health care.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illlinois Department of Public Aid
201 South Grand Avenue East,
Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

g) Part: Child Support Enforcement (89 Ill. Adm. Code 160)

1) Rulemaking:

A) Description: The Department intends to add provisions to the rules regarding administrative liens on real and personal property to provide a process for unobligated joint owners of such property to protect their interests by requesting a hearing with the Department. These amendments regarding administrative liens on real and personal property will affect rules concerning collection of child support in Part 160 and related hearing rules in Part 104.

B) Statutory Authority: Section 10-25, 10-25.5 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/10-25, 10-25.5 and 12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted

DEPARTMENT OF PUBLIC AID

JULY 1999 REGULATORY AGENDA

for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:
Joanne Jones
Office of the General Counsel - Rules
Illinois Department of Public Aid
201 South Grand Avenue East,
Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 10, 1999 through August 16, 1999 and have been scheduled for review by the Committee at its September 14, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/23/99	Department of Revenue, Public List of Delinquent Taxpayers (86 Ill Adm Code 710)	6/11/99 23 Ill Reg 6929	9/14/99
9/24/99	Secretary of State, Public Library Construction Grants (23 Ill Adm Code 3060)	6/25/99 23 Ill Reg 7219	9/14/99
9/24/99	Board of Higher Education, Program Approval (23 Ill Adm Code 1050)	6/25/99 23 Ill Reg 7190	9/14/99
9/25/99	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	5/21/99 23 Ill Reg 5973	9/14/99

PROCLAMATIONS

99-332
EARLY EDITION DAY

WHEREAS, Early Edition, CBS' popular television drama series, has begun filming its fourth season on location in Chicago; and

WHEREAS, Early Edition, starring actors Kyle Chandler and Shanesia Davis, chronicles the life of Gary Hobson, a man who receives tomorrow's newspaper today and, with a full day's head start on the news, must take responsibility to make the right choices and avert tragedy and misfortune; and

WHEREAS, Early Edition premiered on September 28, 1996, and airs on Saturday evenings on CBS affiliates throughout the United States; and

WHEREAS, CBS Productions, October Holdings and Columbia TriStar Television produced more than 67 episodes of Early Edition and will film another 22 episodes this season, which resulted in economic benefits to the State of Illinois in excess of $20 million per season; and

WHEREAS, some of Early Edition's staff including Executive Producers are Lilliah McCarthy, Gary Nelson and Highland Park native Jeff Melvoin; Producer Loucas George and Associate Producer Kathryn Riordan have made Chicago their home;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 1999, as EARLY EDITION DAY in Illinois.

Issued by the Governor July 22, 1999.

Filed by the Secretary of State August 2, 1999.

99-333
CEDARVILLE DAYS

WHEREAS, Cedarville, a small village situated along Cedar Creek, was originally settled in the early 1830's by the Pennsylvania Dutch; and

WHEREAS, one of the oldest villages in Stephenson County, Cedarville was first settled by John Goddard and Barton Jones in 1835; and

WHEREAS, Cedarville was platted and incorporated in 1849 by George Ilgen, Marcus Montelius, John Addams and others; and

WHEREAS, the Village of Cedarville, birthplace and historic home of internationally recognized social worker and humanitarian Jane Addams, will celebrate its 150th anniversary from July 31-August 1, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31-August 1, 1999, as CEDARVILLE DAYS in Illinois.

Issued by the Governor July 26, 1999.

Filed by the Secretary of State August 2, 1999.

99-334
THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY

WHEREAS, since 1929 the annual Chicago Defender Charities' Bud Billiken Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and

WHEREAS, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with Chicago area youth; and

WHEREAS, this year's Bud Billiken Parade marks the 70th year of this

noteworthy and neighborly celebration;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 14, 1999, as THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY in Illinois.

Issued by the Governor July 26, 1999.

Filed by the Secretary of State August 2, 1999.

99-335
GALENA POST OFFICE DAY

WHEREAS, the U.S. Postal Service has determined that the Galena Post Office is the oldest continuously operated and owned postal facility in America; and

WHEREAS, the Construction Superintendent for the Galena Post Office was none other than Ely S. Parker, a Seneca Indian who became a friend to and the personal secretary for Ulysses S. Grant; and

WHEREAS, the Galena Historical Society and the Galena Post Office will commemorate the 140th anniversary of one of the oldest post offices in America on July 30, 1999; and

WHEREAS, a ribbon cutting ceremony will be held on July 30, 1999, in celebration of the Galena Post Office's 140th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 30, 1999, as GALENA POST OFFICE DAY in Illinois.

Issued by the Governor July 26, 1999.

Filed by the Secretary of State August 2, 1999.

99-336
CHASE COOPERATE CHALLENGE DAY

WHEREAS, the purpose of the Chase Cooperate Challenge is to promote goodwill and fitness opportunities within the cooperate community; and

WHEREAS, the Chase Cooperate Challenge is the largest corporate road race in the State of Illinois, with more than 18,000 runners representing more than 700 companies; and

WHEREAS, the Chase Cooperate Challenge is an international series of events in the United States; London, England and Frankfort Germany; and

WHEREAS, more than 171,000 participants from more than 6,100 companies will take part in the International Chase Cooperate Challenge; and

WHEREAS, part of the Chase Cooperate Challenge will take place in the heart of downtown Chicago, beginning at the corners of Columbus and Balbo Drive; and

WHEREAS, The Chase Manhattan Bank will sponsor the 18th Annual Chase Cooperate Challenge on August 5, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 5, 1999, as CHASE COOPERATE CHALLENGE DAY in Illinois.

Issued by the Governor July 28, 1999.

Filed by the Secretary of State August 2, 1999.

99-337
ACES COMMENDED

WHEREAS, ACES, the Association for Children for Enforcement of Support, Inc. founded in 1984 by President Geraldine Jensen, is the largest grass roots child support advocacy organization in the United States; and

WHEREAS, ACES has 400 chapters in 48 states and almost 40,000 members, all working to assist children affected by parents who fail to meet their legal, moral, and financial obligations to support their children; and

WHEREAS, ACES offers instructional and educational information about child support enforcement, visitation rights, and paternity establishment; and

WHEREAS, ACES has been a leader in helping communities develop leadership, organize members, and develop advocacy programs that motivate child support enforcement agencies to strictly enforce court ordered child support; and

WHEREAS, ACES is celebrating its 50th anniversary in helping to insure that children receive emotional and financial support from both parents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, commend ACES for their successful efforts in helping Illinois children and families enjoy a better quality of life.

Issued by the Governor July 29, 1999.

Filed by the Secretary of State August 9, 1999.

99-338
CHILD SUPPORT AWARENESS MONTH

WHEREAS, Illinois recognizes that our children are our future and their well-being is our highest priority; and

WHEREAS, Illinois is taking the lead in many child support initiatives and vigorously enforcing collection of child support payments to help Illinois families gain independence; and

WHEREAS, the Department of Public Aid has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, the Department of Public Aid is working closely with the Department of Human Services, Department of Public Health and other state agencies as well as community groups to increase the number of children for whom paternity is established; and

WHEREAS, Illinois recognizes that children need strong family support. Illinois works to focus attention on the needs of fathers as well as mothers; and

WHEREAS, Illinois is committed to the premise that our children deserve the emotional and financial support of both parents, their extended families, and their communities so that they can grow up in a nurturing environment; and

WHEREAS, Illinois' Department of Public Aid is proud to host the 48th Annual National Child Support Enforcement Association (NCSEA) Conference in Chicago and welcome other states and agencies who collaborate in innovative and strong programs for the sake of our children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 1999 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor July 29, 1999.

Filed by the Secretary of State August 9, 1999.

99-339
AMERICAN CRAFT EXPOSITION DAYS

WHEREAS, the prestigious 15th Annual American Craft Exposition will be held at the Henry Crown Sports Pavilion at the Northwestern University Campus in Evanston, Illinois; and

WHEREAS, the exposition educates the community about baskets, ceramics,

decorative and wearable glass, jewelry, fiber, leather, metal, mixed media and wood; and

WHEREAS, proceeds from the exposition's gate receipts will benefit Evanston Northwestern Healthcare's Connections, a center for adolescent and family care; and

WHEREAS, 1999 marks the 15th Annual American Craft Exposition;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim August 27-29, 1999, as AMERICAN CRAFT EXPOSITION DAYS in Illinois.

Issued by the Governor August 2, 1999.

Filed by the Secretary of State August 9, 1999.

99-340
DENNIS J. GANNON DAY

WHEREAS, Dennis J. Gannon tirelessly represents and protects the interests of the working men and women of Illinois as secretary-treasurer of the Chicago Federation of Labor; and

WHEREAS, Dennis Gannon avidly promoted the benefits of the Illinois FIRST program and worked to secure support for it, both in the General Assembly and the labor community; and

WHEREAS, Dennis Gannon has graciously offered his time and talents to the people of Illinois as a member of the state's Capital Development Board since February 1993; and

WHEREAS, his work to promote jobs for Illinois residents should be appreciated by all Illinoisans;

THEREFORE, I, George H. Ryan, Governor of Illinois, proclaim September 6, 1999, as DENNIS J. GANNON DAY in Illinois.

Issued by the Governor August 3, 1999.

Filed by the Secretary of State August 9, 1999.

99-341
DR. HARRY BRAUN DAY

WHEREAS, Dr. Harry Braun received his Doctorate in Education from the University of Missouri - Columbia in 1971; and

WHEREAS, Dr. Braun is a past Chair of the Illinois Council of Community College Presidents; and

WHEREAS, Dr. Braun recently headed a task force that reviewed the funding system for the Illinois community college system; and

WHEREAS, Dr. Harry Braun has served on a number of community boards including the Danville Area Chamber of Commerce, Danville Area Economic Development Corporation, Danville Area United Way, Danville Symphony Orchestra, Private Industry Council, and at the Christian Home for Youth; and

WHEREAS, Dr. Braun served as President of Danville Community Area Community College since February of 1989, previously holding the position of President of Rend Lake Community College; and

WHEREAS, Dr. Harry Braun will be retiring from the DCACC, after 10 years to spend more time with his wife, Alna, and their two children; and

WHEREAS, Dr. Harry Braun's achievements and contributions to the Danville Area Community College and the Danville community will be celebrated on August 1, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

August 10, 1999, as DR. HARRY BRAUN DAY in Illinois.

Issued by the Governor August 3, 1999.

Filed by the Secretary of State August 9, 1999.

Rules acted upon during the calender quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED
11-100-31
11-300-31
11-404-31
11-1305-31
11-1424-31
32-310-34
32-320-34
32-360-34
32-400-34
32-410-34
38-1000-31
38-1050-31
38-1075-31
44-760R-33
44-4200R-34
50-1409-33
50-2501-31
50-5701-32
62-1701-35
62-1780-35
62-1784-35
62-1816-35
62-1817-35
62-1823-35
62-1840-35
62-1846-35
68-1330-35
77-692-32
77-840-33
77-845-32
77-855-35
77-920-35
77-2090-32
80-303-32
80-1600-30
80-3000-34
86-110-31,34
86-440-33
86-450 33
89-112-31,35
89-113-31
89-114-31
89-140-31,34
89-148-31
89-153-30
89-530-34
89-676-32
89-679-35
89-682-34
92-1010-30
92-1030-33

ADOPTED
2-5200-35
8-20-33
8-25-34
8-40-34
8-45R-34
8-70-34
8-75-34
8-80-34
8-110-34
8-600-32
17-130-30
17-530-33
17-550-33
17-570-33
17-690-33
17-715-33
17-720-33
17-730-33
17-740-33
17-750-30
17-810-30
17-950-30
17-2080-33
17-3025-30
23-575-30
23-3040-31
35-307-30
35-310-30
35-611-35
35-651-33
35-652-33
35-702-33
35-703-33
35-720-33
35-721-33
35-724-33
35-725-33
35-726-33
35-728-33
35-733-33
44-635R-30
44-655R-30
44-675R-30
44-685R-30
44-1300-33
47-110-30
47-360-32
59-112-35
59-115-34
59-119-35
59-132-35
68-610-34
77-250-33
77-597-32
86-130-33,34
86-3000-33
89-113-35
89-140-34
89-143-34
89-750-35
89-751-35
89-755-35
89-760R-35
89-765-35
89-770R-35
89-775R-35
89-780R-35
89-785R-35
89-790R-35
89-795-35
89-800R-35
89-805R-35
89-810R-35
89-815-35
89-820R-35
89-825R-35
89-827-35
89-828-35
89-829-35
89-830-35
89-835-35
92-445-30

EMERGENCY
11-100-31
77-2090-32
86-110-34
86-440-33
86-450-33
89-112-31,35
89-113-31
89-114-31
89-356-30
89-679-35
92-1030-33

Visit our website

http:/www.sos.sos.state.il.us

Illinois Register
Illinois Administrative Code
Order Form

☐	Subscription to the Illinois Register (52 issues) New ☐ Renewal ☐	$290 annually
☐	Subscription to the Administrative Code on CD-ROM (4 updates) New ☐ Renewal ☐	$290 annually
☐	Microfiche sets of Illinois Register 1977 through 1996 Specify Year(s) _____	$ 200 per set
☐	Back Issue of the Illinois Register (Current Year Only) Volume# ____ Issue# _____ Date: _____	$ 10 each
☐	Cumulative/Sections Affected Indices 1990-1998 Specify Year(s) _____	$ 5 each
☐	Cumulative Indices to Illinois Register 1981-1989 Specify Year(s) _____	$ 1 each
☐	Sections Affected Indices to Illinois Register 1984-1989 Specify Year(s) _____	$ 1 each

PREPAYMENT IS REQUIRED

Make Checks payable to: **Secretary of State** Send Payment to: Index Department
111 E. Monroe
Springfield, IL 62756

Fax order to: 217-524-0930

TOTAL AMOUNT OF ORDER $ _____

☐ Check ☐ VISA ☐ Master Card ☐ Discover, Card #: _____
(There is a $1.50 processing fee for credit card purchases.)

Expiration Date: _____ Signature: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____ Fax: _____ Email _____

Published by Jesse White Secretary of State

HECKMAN
BINDERY, INC.
Bound-To-Please®
FEB 00
N. MANCHESTER, INDIANA 46962